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Legislative History – Montana Session Law

Chapter: 347 Session L: 2017

Bill Number: HB 618

Checklist of Bill History

History and Final Status Sheet



Introduced Bill



Fiscal Note



Third Reading Bill



Final Version of Bill



House

Committee: Appropriations

Hearing Date(s): 3/23/2017

Committee Report: 3/27/2017

Senate

Committee: Finance & Claims

Hearing Date(s): 4/7/2017

Committee Report: 4/11/2017

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

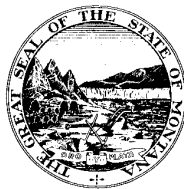
Compiled by: SK Marshall

Date: 4/30/2025

Notes: Audio/Video recordings can be found here:

<https://sg001-harmony.sliq.net/00309/Harmony/en>

Thank You!



AN ACT INCREASING THE UTILIZATION FEE FOR NURSING FACILITIES TO INCREASE NURSING HOME REIMBURSEMENT RATES; PROVIDING A WAGE INCREASE FOR CERTAIN DIRECT CARE WORKERS; PROVIDING APPROPRIATIONS; AMENDING SECTIONS 15-60-102 AND 15-60-211, MCA; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 15-60-102, MCA, is amended to read:

"15-60-102. (Temporary) Utilization fee for bed days in nursing facilities. (1) A nursing facility in the state shall pay to the department a utilization fee for each bed day in the facility in the following amounts:

(a) in the amount of \$2.80, which must be applied to maintain the price-based average payment rate to nursing facilities at the fiscal year ~~2003~~ 2017 base amount;

(b) in the amount of \$5.50 to be used to maintain the price-based average payment rate to nursing facilities at the fiscal year 2017 base amount as provided in 15-60-211;

~~(b)(c)~~ in fiscal year ~~2006~~ 2018, an additional amount of ~~\$4.25~~ \$3 to be used to increase the price-based average payment rate to nursing facilities above the fiscal year ~~2003~~ 2017 base as provided in 15-60-211; and

~~(c)(d)~~ beginning July 1, 2006 on and after July 1, 2018, an additional amount of ~~\$5.50~~ \$7 to be used to increase the price-based average payment rate to nursing facilities above the fiscal year ~~2003~~ 2017 base as provided in 15-60-211.

(2) The fees collected must be deposited as follows:

(a) the amounts collected as provided in subsection (1)(a), in the general fund; and

(b) the amounts collected as provided in subsections (1)(b) ~~and (1)(c)~~ through (1)(d), in the account in the state special revenue fund as provided in 15-60-211.

(3) A nursing facility may not place a fee created in this section on a patient's bill. (Void on occurrence of contingency--sec. 18, Ch. 746, L. 1991--see chapter compiler's comment.)"

Section 2. Section 15-60-211, MCA, is amended to read:

"15-60-211. State special revenue account. (1) There is a nursing facility utilization fee account in the state special revenue fund as provided in 17-2-102.

(2) (a) All money collected under 15-60-102(1)(b) and (1)(c) through (1)(d) must be deposited in this account.

(b) Money in the account collected under 15-60-102(1)(b) must be used by the department of public health and human services for the purpose of increasing maintaining the average price paid for medicaid nursing facility services above at the fiscal year 2003 2017 level under the price-based reimbursement system used to establish medicaid payment rates to nursing homes.

(c) All money collected under 15-60-102(1)(c) and (1)(d) must be used by the department of public health and human services for the purpose of:

(i) increasing the average price paid for medicaid nursing facility services above the fiscal year 2017 level under the price-based reimbursement system used to establish medicaid payment rates to nursing homes; and

(ii) in each year of the biennium beginning July 1, 2017, providing a wage increase of 50 cents per hour to certified nursing assistants working in nursing facilities, provided in increments of 25 cents per hour every 6 months.

(3) Money remaining in this account at the end of a fiscal year may not be expended or transferred for any other purpose and is subject to appropriation by a subsequent legislature for purposes consistent with subsection (2)."

Section 3. Appropriation. (1) (a) There is appropriated from the special revenue account provided for in 15-60-211 to the department of public health and human services \$4,427,982 in fiscal year 2018 and \$10,331,958 in fiscal year 2019 to fund increases in medicaid payments to nursing facilities.

(b) Of the amount appropriated in subsection (1)(a), \$584,120 must be used in fiscal year 2018 and \$1,365,085 in fiscal year 2019 for the wage increase for certified nursing assistants provided for in 15-60-211(2)(c)(ii).

(2) (a) There is appropriated from the federal special revenue fund to the department of public health and human services \$8,391,884 in fiscal year 2018 and \$20,074,039 in fiscal year 2019 to fund increases in payments to nursing facilities.

(b) Of the amount appropriated in subsection (2)(a), \$1,103,112 must be used in fiscal year 2018 and \$2,577,968 in fiscal year 2019 for the wage increase for certified nursing assistants provided for in 15-60-211(2)(c)(ii).

Section 4. Effective date. [This act] is effective July 1, 2017.

- END -

I hereby certify that the within bill,
HB 0618, originated in the House.

Speaker of the House

Signed this _____ day
of _____, 2017.

Chief Clerk of the House

President of the Senate

Signed this _____ day
of _____, 2017.

HOUSE BILL NO. 618
INTRODUCED BY N. BALLANCE

AN ACT INCREASING THE UTILIZATION FEE FOR NURSING FACILITIES TO INCREASE NURSING HOME REIMBURSEMENT RATES; PROVIDING A WAGE INCREASE FOR CERTAIN DIRECT CARE WORKERS; PROVIDING APPROPRIATIONS; AMENDING SECTIONS 15-60-102 AND 15-60-211, MCA; AND PROVIDING AN EFFECTIVE DATE.

Exported Data

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
05/08/17	Chapter Number Assigned				
05/07/17	(H) Signed by Governor				
05/01/17	(H) Transmitted to Governor				
04/29/17	(S) Signed by President				
04/27/17	(H) Signed by Speaker				
04/25/17	(H) Returned from Enrolling				
04/25/17	(C) Printed - Enrolled Version Available				
04/25/17	(C) Printed - New Version Available				
04/22/17	(H) Sent to Enrolling				
04/22/17	(H) 3rd Reading Passed as Amended by Senate		88	12	
04/22/17	(H) Scheduled for 3rd Reading				
04/21/17	(H) 2nd Reading Senate Amendments Concurred		90	10	
04/21/17	(H) Scheduled for 2nd Reading				
04/20/17	(H) Revised Fiscal Note Printed				
04/18/17	(H) Revised Fiscal Note Signed				
04/18/17	(H) Revised Fiscal Note Received				
04/18/17	(S) Returned to House with Amendments				
04/13/17	(S) 3rd Reading Concurred		34	16	
04/13/17	(S) Scheduled for 3rd Reading				
04/12/17	(S) 2nd Reading Concurred		34	16	
04/12/17	(S) Scheduled for 2nd Reading				
04/12/17	(C) Printed - New Version Available				
04/12/17	(S) Committee Report--Bill Concurred as Amended	(S) Finance and Claims			
04/12/17	(H) Revised Fiscal Note Requested				
04/11/17	(S) Committee Executive Action--Bill Concurred as Amended	(S) Finance and Claims	14	2	
04/07/17	(S) Hearing	(S) Finance and Claims			
04/05/17	(S) Rereferred to Committee	(S) Finance and Claims			
04/03/17	(S) Referred to Committee	(S) Public Health, Welfare and Safety			
04/01/17	(S) First Reading				
03/31/17	(H) Transmitted to Senate				
03/31/17	(H) 3rd Reading Passed		80	20	

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
03/31/17	(H) Scheduled for 3rd Reading				
03/30/17	(H) 2nd Reading Passed		86	14	
03/30/17	(H) Scheduled for 2nd Reading				
03/28/17	(H) Committee Report--Bill Passed	(H) Appropriations			
03/28/17	(H) Fiscal Note Printed				
03/28/17	(H) Fiscal Note Signed				
03/28/17	(H) Fiscal Note Received				
03/27/17	(H) Committee Executive Action--Bill Passed	(H) Appropriations	18	4	
03/23/17	(H) Hearing	(H) Appropriations			
03/21/17	(C) Introduced Bill Text Available Electronically				
03/21/17	(H) First Reading				
03/21/17	(H) Referred to Committee	(H) Appropriations			
03/21/17	(H) Fiscal Note Requested				
03/21/17	(H) Introduced				
03/20/17	(C) Draft Delivered to Requester				
03/20/17	(C) Draft Ready for Delivery				
03/18/17	(C) Executive Director Final Review				
03/17/17	(C) Draft in Assembly				
03/17/17	(C) Executive Director Review				
03/17/17	(C) Bill Draft Text Available Electronically				
03/17/17	(C) Draft in Final Drafter Review				
03/17/17	(C) Draft in Input/Proofing				
03/17/17	(C) Draft to Drafter - Edit Review [KWK]				
03/17/17	(C) Draft in Edit				
03/16/17	(C) Draft in Legal Review				
03/16/17	(C) Fiscal Note Probable				
03/16/17	(C) Draft to Requester for Review				
03/16/17	(C) Draft to Requester for Review				
01/24/17	(C) Draft Request Received				



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2019 Biennium

Bill #	HB0618	Title:	Increase nursing home bed tax for nursing home rate increases
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Primary Sponsor:	Ballance, Nancy	Status:	As Introduced
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- | | | |
|---|--|--|
| ☐ Significant Local Gov Impact | ☒ Needs to be included in HB 2 | ☒ Technical Concerns |
| ☐ Included in the Executive Budget | ☐ Significant Long-Term Impacts | ☐ Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>	<u>FY 2020 Difference</u>	<u>FY 2021 Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
State Special Revenue	\$1,788,492	\$3,278,902	\$3,278,902	\$3,278,902
Federal Special Revenue	\$3,389,539	\$6,370,603	\$6,370,603	\$6,370,603
Revenue:				
General Fund	\$11,252	\$20,628	\$20,628	\$20,628
State Special Revenue	\$1,797,447	\$3,295,320	\$3,295,320	\$3,295,320
Federal Special Revenue	\$3,280,698	\$6,014,612	\$6,014,612	\$6,014,612
Net Impact-General Fund Balance:	<u>\$11,252</u>	<u>\$20,628</u>	<u>\$20,628</u>	<u>\$20,628</u>

Description of fiscal impact: HB 618 increases the utilization fee paid by nursing facilities and provides an appropriation to increase nursing home reimbursement rates.

FISCAL ANALYSIS

Assumptions:

- HB 618 requires that all money collected must be used by the Department of Public Health & Human Services (DPHHS) to increase the average price paid for Medicaid nursing facility services above the fiscal year 2017 level, under the price-based reimbursement system used to establish Medicaid payment rates to nursing homes.
- HB 618 requires that money remaining in the nursing facilities utilization fee account at the end of a fiscal year may not be expended or transferred for any other purpose and is subject to appropriation by a subsequent legislature.
- HB 618 authorizes appropriations from the nursing facilities utilization fee state special revenue account in amounts of \$1,788,492 in fiscal year 2018 and \$3,278,902 in fiscal year 2019 to fund increases in Medicaid payments to nursing facilities. Federal fund appropriations are authorized in the amounts of \$3,389,539 in fiscal year 2018 and \$6,370,603 in fiscal year 2019.

4. HB 618 is effective July 1, 2017.
5. The current fee per nursing home bed day is \$8.30. For non-state facilities, the fee is split \$2.80 to the general fund and \$5.50 to the nursing facilities utilization fee account. For the Montana Mental Health Nursing Care Center (MMHNCC) the fee is split 30% to the general fund and 70% to the prevention and stabilization special revenue account.
6. Under HB 618, non-state nursing homes are required to pay an additional fee of \$1.20 per bed day in FY 2018. The fee increases to \$2.20 per day beginning in FY 2019. New fees generated are to be deposited in the nursing facilities utilization fee account of the state special revenue fund.
7. DPHHS assumes the flat taxable bed days at 1,475,994 for non-state nursing homes for FY 2018 through FY 2021. HB 618 raises the utilization fee applied to taxable bed days. DPHHS assumes that additional federal funds would be available to match the increased state special funds generated by HB 618. Funding is at 35.06% state special and 64.94% federal dollars. The following table provides detail regarding revenue:

Non-State Owned Nursing Homes				
Revenue	FY 2018	FY 2019	FY 2020	FY 2021
Bed Days	1,475,994	1,475,994	1,475,994	1,475,994
Fee Increase	\$1.20	\$2.20	\$2.20	\$2.20
State Special Revenue	\$1,771,193	\$3,247,187	\$3,247,187	\$3,247,187
Funding	FY 2018	FY 2019	FY 2020	FY 2021
GF Increase	\$ -	\$ -	\$ -	\$ -
SSR Increase	\$ 1,771,193	\$ 3,247,187	\$ 3,247,187	\$ 3,247,187
Federal Match	\$ 3,280,698	\$ 6,014,612	\$ 6,014,612	\$ 6,014,612
Total Funds	\$5,051,890	\$9,261,799	\$9,261,799	\$9,261,799

8. DPHHS assumes the flat taxable bed days at 31,255 for the MMHNCC for FY 2018 through FY 2021. HB 618 raises the utilization fee applied to taxable bed days. There is no appropriation for the expenditure of funds from the prevention and stabilization account in HB 618. The following table provides detail regarding revenue:

State Owned Nursing Homes - MMHNCC				
Revenue	FY 2018	FY 2019	FY 2020	FY 2021
Bed Days	31,255	31,255	31,255	31,255
Fee Increase	\$1.20	\$2.20	\$2.20	\$2.20
State Special Revenue	\$37,506	\$68,761	\$68,761	\$68,761
Funding	FY 2018	FY 2019	FY 2020	FY 2021
GF Increase	\$ 11,252	\$ 20,628	\$ 20,628	\$ 20,628
SSR Increase	\$ 26,254	\$ 48,133	\$ 48,133	\$ 48,133
Federal Match	\$ -	\$ -	\$ -	\$ -
Total Funds	\$ 37,506	\$68,761	\$68,761	\$68,761

9. Section 3 of HB 618 provides an appropriation for FY 2018 and FY 2019. This fiscal note assumes appropriations equal to the nursing home utilization fee and federal fund revenue collections in future biennia.

	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>	<u>FY 2020 Difference</u>	<u>FY 2021 Difference</u>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Transfers	<u>\$5,178,031</u>	<u>\$9,649,505</u>	<u>\$9,649,505</u>	<u>\$9,649,505</u>
TOTAL Expenditures	<u><u>\$5,178,031</u></u>	<u><u>\$9,649,505</u></u>	<u><u>\$9,649,505</u></u>	<u><u>\$9,649,505</u></u>

Funding of Expenditures:

General Fund Nursing Homes	\$0	\$0	\$0	\$0
General Fund Prevention/Stabilization	\$0	\$0	\$0	\$0
State Special Nursing Homes	\$1,788,492	\$3,278,902	\$3,278,902	\$3,278,902
State Special Prevention/Stabilization	\$0	\$0	\$0	\$0
Federal Special Nursing Homes	\$0	\$0	\$0	\$0
Federal Special Prevention/Stabilization	<u>\$3,389,539</u>	<u>\$6,370,603</u>	<u>\$6,370,603</u>	<u>\$6,370,603</u>
TOTAL Funding of Exp.	<u><u>\$5,178,031</u></u>	<u><u>\$9,649,505</u></u>	<u><u>\$9,649,505</u></u>	<u><u>\$9,649,505</u></u>

Revenues:

General Fund Nursing Homes	\$0	\$0	\$0	\$0
General Fund Prevention/Stabilization	\$11,252	\$20,628	\$20,628	\$20,628
State Special Nursing Homes	\$1,771,193	\$3,247,187	\$3,247,187	\$3,247,187
State Special Prevention/Stabilization	\$26,254	\$48,133	\$48,133	\$48,133
Federal Special Nursing Homes	\$3,280,698	\$6,014,612	\$6,014,612	\$6,014,612
Federal Special Prevention/Stabilization	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL Revenues	<u><u>\$5,089,396</u></u>	<u><u>\$9,330,560</u></u>	<u><u>\$9,330,560</u></u>	<u><u>\$9,330,560</u></u>

Net Impact to Fund Balance (Revenue minus Funding of Expenditures):

General Fund (01)	\$11,252	\$20,628	\$20,628	\$20,628
State Special Revenue (02)	\$8,955	\$16,418	\$16,418	\$16,418
Federal Special Revenue (03)	(\$108,841)	(\$355,991)	(\$355,991)	(\$355,991)

Technical Notes:

1. HB 618 generates revenue for the nursing facility fee account and the prevention and stabilization account. 15-60-210, MCA, directs 70% of the utilization fees collected at the Montana Mental Health Nursing Care Center be allocated to the prevention and stabilization account and 30% allocated to the general fund. This fiscal note assumes no diversion of 15-60-210, MCA, occurs. If the intent of HB 618 is to divert new prevention and stabilization fund revenue to be used for nursing home facility reimbursement, amendments may be needed.
2. Revenue estimates for the nursing facility utilization fee and federal match are less than the amount appropriated in HB 618. Absent that funding via HB 2 or another appropriation bill, the Department of Public Health & Human Services would be required to reduce services in other program areas to achieve these required provider rates. In the event DPHHS is directed to not reduce services in other program areas, general funds will be needed.

Sponsor's Initials_____
Date_____
Budget Director's Initials_____
Date



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2019 Biennium

Bill #	HB0618	Title:	Increase nursing home bed tax for nursing home rate increases
Primary Sponsor:	Ballance, Nancy	Status:	As Amended

- | | | |
|---|--|--|
| ☐ Significant Local Gov Impact | ☒ Needs to be included in HB 2 | ☒ Technical Concerns |
| ☐ Included in the Executive Budget | ☐ Significant Long-Term Impacts | ☐ Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>	<u>FY 2020 Difference</u>	<u>FY 2021 Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
State Special Revenue	\$4,410,181	\$10,288,285	\$10,331,958	\$10,331,958
Federal Special Revenue	\$8,337,739	\$19,943,661	\$20,074,039	\$20,074,039
Revenue:				
General Fund	\$28,130	\$65,356	\$65,356	\$65,356
State Special Revenue	\$4,493,618	\$10,485,108	\$10,485,108	\$10,485,108
Federal Special Revenue	\$8,201,744	\$19,137,403	\$19,137,403	\$19,137,403
Net Impact-General Fund Balance:	<u>\$28,130</u>	<u>\$65,356</u>	<u>\$65,356</u>	<u>\$65,356</u>

Description of fiscal impact: HB 618, as amended, increases the utilization fee and provides an appropriation for nursing facilities to increase nursing home reimbursement rates, and funds a wage increase to certified nursing assistants working in private nursing homes.

FISCAL ANALYSIS

Assumptions:

- HB 618 requires that all money collected must be used by the Department of Public Health & Human Services (DPHHS) to increase the average price paid for Medicaid nursing facility services above the fiscal year 2017 level, under the price-based reimbursement system used to establish Medicaid payment rates to nursing homes.
- HB 618 requires that money remaining in the nursing facilities utilization fee account at the end of a fiscal year may not be expended or transferred for any other purpose and is subject to appropriation by a subsequent legislature.

3. HB 618 authorizes appropriations from the nursing facilities utilization fee state special revenue account in amounts of \$4,427,982 in FY 2018 and \$10,331,958 in FY 2019 to fund increases in Medicaid payments to nursing facilities. Federal fund appropriations are authorized in the amounts of \$8,391,884 in FY 2018 and \$20,074,039 in FY 2019. See table below:

HB 618 Appropriation				
Description	FY2018	FY2019	FY2020	FY2021
Nursing Home SSR	\$3,843,862	\$8,966,873	\$8,821,773	\$8,821,773
Nursing Home FF	\$7,288,772	\$17,496,071	\$17,276,794	\$17,276,794
CNAs SSR	\$584,120	\$1,365,085	\$1,510,185	\$1,510,185
CNAs FF	\$1,103,112	\$2,577,968	\$2,797,245	\$2,797,245
Total SSR	\$4,427,982	\$10,331,958	\$10,331,958	\$10,331,958
Total FF	\$8,391,884	\$20,074,039	\$20,074,039	\$20,074,039

4. HB 618 is effective July 1, 2017.
5. The current fee per nursing home bed day is \$8.30. For non-state facilities, the fee is split \$2.80 to the general fund and \$5.50 to the nursing facilities utilization fee account. For the Montana Mental Health Nursing Care Center (MMHNCC) the fee is split 30% to the general fund and 70% to the prevention and stabilization special revenue account.
6. Under HB 618, non-state nursing homes are required to pay an additional fee of \$3.00 per bed day in FY 2018. The fee increases to \$7.00 per day beginning in FY 2019. New fees generated are to be deposited in the nursing facilities utilization fee account of the state special revenue fund.
7. DPHHS assumes the flat taxable bed days at 1,475,994 for non-state nursing homes for FY 2018 through FY 2021. HB 618 raises the utilization fee applied to taxable bed days. DPHHS assumes that additional federal funds would be available to match the increased state special funds generated by HB 618. Funding is at 35.06% state special and 64.94% federal dollars. The following table provides detail regarding revenue:

Non-State Owned Nursing Homes				
Revenue	FY 2018	FY2019	FY2020	FY2021
Bed Days	1,475,994	1,475,994	1,475,994	1,475,994
Fee Increase	\$ 3	\$ 7	\$ 7	\$ 7
State Special Revenue	\$ 4,427,982	\$10,331,958	\$10,331,958	\$10,331,958
Funding	FY 2018	FY2019	FY2020	FY2021
SSR Increase	\$ 4,427,982	\$10,331,958	\$10,331,958	\$10,331,958
Federal Match	\$ 8,201,744	\$19,137,403	\$19,137,403	\$19,137,403
Total Funds	\$ 12,629,726	\$29,469,361	\$29,469,361	\$29,469,361

8. DPHHS assumes flat taxable bed days at 31,255 for the MMHNCC for FY 2018 through FY 2021. HB 618 raises the utilization fee applied to taxable bed days. There is no appropriation for the expenditure of funds from the prevention and stabilization account in HB 618. The following table provides detail regarding revenue:

State Owned Nursing Homes - MMHNCC				
Revenue	FY 2018	FY2019	FY2020	FY2021
Bed Days	31,255	31,255	31,255	31,255
Fee Increase	\$ 3	\$ 7	\$ 7	\$ 7
State Special Revenue	\$ 93,765	\$ 218,785	\$ 218,785	\$ 218,785
Funding	FY 2018	FY2019	FY2020	FY2021
GF Increase	\$ 28,130	\$ 65,636	\$ 65,636	\$ 65,636
SSR Increase	\$ 65,636	\$ 153,150	\$ 153,150	\$ 153,150

9. Section 3 of HB 618 provides an appropriation for FY 2018 and FY 2019. This fiscal note assumes appropriations equal to the nursing home utilization fee and federal fund revenue collections in future biennia.
10. HB 618 also restricts appropriations in the amount of \$584,120 in FY 2018 and \$1,365,085 in FY 2019 for wage increase for certified nursing assistants. For the purposes of this fiscal note, it is assumed that the funds are state special provided for in 15-60-211, MCA. DPHHS assume the flat number of Certified Nursing Assistants at 1,849 for FY 2018 through FY 2021. The following table illustrates the amounts projected to provide wage increased for CNAs:

Certified Nursing Assistant Pay Increases - 2019 Biennium			
FY 2018	July 1 Raise	January 1 Raise	Totals
Increase	\$0.28	\$0.56	
State Special Funds	\$188,773	\$377,546	\$566,319
Federal Funds	\$349,656	\$699,311	\$1,048,967
Total Funds	\$538,429	\$1,076,858	\$1,615,286
FY 2019	July 1 Raise	January 1 Raise	Totals
Increase	\$0.84	\$1.12	
State Special Funds	\$566,319	\$755,093	\$1,321,412
Federal Funds	\$1,048,967	\$1,398,623	\$2,447,590
Total Funds	\$1,615,286	\$2,153,715	\$3,769,002
FY 2020	\$1.12/Hour for 12 Months		Totals
Increase	\$1.12		
State Special Funds	\$1,510,185	-	\$1,510,185
Federal Funds	\$2,797,245	-	\$2,797,245
Total Funds	\$4,307,430	-	\$4,307,430
FY 2021	\$1.12/Hour for 12 Months		Totals
Increase	\$1.12		
State Special Funds	\$1,510,185	-	\$1,510,185
Federal Funds	\$2,797,245	-	\$2,797,245
Total Funds	\$4,307,430	-	\$4,307,430

11. The effective increase to provider rates necessary to result in a \$0.25 per hour wage increase to CNAs is \$0.28. Direct care workers in nursing homes can provide 1,870 annual billable service hours for the annual FTE hours paid. $(2,080 \text{ paid hours} \times 0.265) = \520 ; $\$520/1,870 = \0.28 .

12. Funding is at 35.06% state special and 64.94 % federal funds.

	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>	<u>FY 2020 Difference</u>	<u>FY 2021 Difference</u>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Benefits	\$12,747,920	\$30,231,946	\$30,405,997	\$30,405,997
Transfers	\$0	\$0	\$0	\$0
TOTAL Expenditures	<u>\$12,747,920</u>	<u>\$30,231,946</u>	<u>\$30,405,997</u>	<u>\$30,405,997</u>
<u>Funding of Expenditures:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
State Special to Nursing Homes	\$3,843,862	\$8,966,873	\$8,821,773	\$8,821,773
State Special to CNAs	\$566,319	\$1,321,412	\$1,510,185	\$1,510,185
Federal Special to Nursing Homes	\$7,288,772	\$17,496,071	\$17,276,794	\$17,276,794
Federal Special to CNAs	\$1,048,967	\$2,447,590	\$2,797,245	\$2,797,245
TOTAL Funding of Exp.	<u>\$12,747,920</u>	<u>\$30,231,946</u>	<u>\$30,405,997</u>	<u>\$30,405,997</u>
<u>Revenues:</u>				
General Fund from MMHNCC	\$28,130	\$65,356	\$65,356	\$65,356
State Special from Nursing Home	\$4,427,982	\$10,331,958	\$10,331,958	\$10,331,958
State Special from MMHNCC	\$65,636	\$153,150	\$153,150	\$153,150
Federal Special from Nursing Home	\$8,201,744	\$19,137,403	\$19,137,403	\$19,137,403
TOTAL Revenues	<u>\$12,723,492</u>	<u>\$29,687,867</u>	<u>\$29,687,867</u>	<u>\$29,687,867</u>
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	\$28,130	\$65,356	\$65,356	\$65,356
State Special Revenue (02)	\$83,437	\$196,823	\$153,150	\$153,150
Federal Special Revenue (03)	(\$135,995)	(\$806,258)	(\$936,636)	(\$936,636)

Technical Notes:

1. Revenue estimates for the nursing facility utilization fee and federal match are less than the amount appropriated in HB 618. Absent that funding via HB 2 or another appropriation bill, the Department of Public Health & Human Services would be required to reduce services in other program areas to achieve these required provider rates. In the event DPHHS is directed to not reduce services in other program areas, general funds will be needed.
2. HB 618 generates revenue for the nursing facility fee account and the prevention and stabilization account. 15-60-210, MCA, directs 70% of the utilization fees collected at the Montana Mental Health Nursing Care Center be allocated to the prevention and stabilization account and 30% allocated to the general fund. This fiscal note assumes no diversion of 15-60-210, MCA, occurs. If the intent of HB 618 is to divert new prevention and stabilization fund revenue to be used for nursing home facility reimbursement, amendments may be needed.
3. If the funds appropriated in Section 3 (1)(b) of HB 618 are not state special funds provided for in 15-60-211, MCA, state special revenue generated for the purposes of attaining matching federal funds would be greatly reduced. As a result, pay raises for certified nursing assistants would come at the expense of other programs within the Senior and Long-Term Care Division or require general funds.
4. HB 618 appropriates funds for CNA wage increases for the 2019 biennium. This fiscal note assumes that the next legislature continues to appropriate funds for CNA wage increases for the 2021 biennium. If the next

legislature does not continue the appropriation, nursing home providers may be forced to cut CNA wages or reduce services provided to seniors and other long-term needs patients.

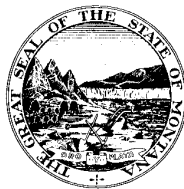
5. The Centers for Medicaid and Medicare Services (CMS) regulations state that nursing home bed taxes are to be “generally redistributable” and may be used to enhance Medicaid payments or other state payments. A 2007 CMS audit showed that the intent of the tax is for increasing the average per diem rate to the nursing homes. If CMS does not allow the use of nursing home bed taxes for CNA wages, general fund expenditures will increase by \$1,615,286 in FY 2018, \$3,769,002 in FY 2019, and \$4,307,430 in FY 2020 and FY 2021.

Sponsor’s Initials

Date

Budget Director’s Initials

Date



AN ACT INCREASING THE UTILIZATION FEE FOR NURSING FACILITIES TO INCREASE NURSING HOME REIMBURSEMENT RATES; PROVIDING A WAGE INCREASE FOR CERTAIN DIRECT CARE WORKERS; PROVIDING APPROPRIATIONS; AMENDING SECTIONS 15-60-102 AND 15-60-211, MCA; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 15-60-102, MCA, is amended to read:

"15-60-102. (Temporary) Utilization fee for bed days in nursing facilities. (1) A nursing facility in the state shall pay to the department a utilization fee for each bed day in the facility in the following amounts:

(a) in the amount of \$2.80, which must be applied to maintain the price-based average payment rate to nursing facilities at the fiscal year ~~2003~~ 2017 base amount;

(b) in the amount of \$5.50 to be used to maintain the price-based average payment rate to nursing facilities at the fiscal year 2017 base amount as provided in 15-60-211;

~~(b)(c)~~ in fiscal year ~~2006~~ 2018, an additional amount of ~~\$4.25~~ \$3 to be used to increase the price-based average payment rate to nursing facilities above the fiscal year ~~2003~~ 2017 base as provided in 15-60-211; and

~~(c)(d)~~ beginning July 1, 2006 on and after July 1, 2018, an additional amount of ~~\$5.50~~ \$7 to be used to increase the price-based average payment rate to nursing facilities above the fiscal year ~~2003~~ 2017 base as provided in 15-60-211.

(2) The fees collected must be deposited as follows:

(a) the amounts collected as provided in subsection (1)(a), in the general fund; and

(b) the amounts collected as provided in subsections (1)(b) ~~and (1)(c)~~ through (1)(d), in the account in the state special revenue fund as provided in 15-60-211.

(3) A nursing facility may not place a fee created in this section on a patient's bill. (Void on occurrence of contingency--sec. 18, Ch. 746, L. 1991--see chapter compiler's comment.)"

Section 2. Section 15-60-211, MCA, is amended to read:

"15-60-211. State special revenue account. (1) There is a nursing facility utilization fee account in the state special revenue fund as provided in 17-2-102.

(2) (a) All money collected under 15-60-102(1)(b) and (1)(c) through (1)(d) must be deposited in this account.

(b) Money in the account collected under 15-60-102(1)(b) must be used by the department of public health and human services for the purpose of increasing maintaining the average price paid for medicaid nursing facility services above at the fiscal year 2003 2017 level under the price-based reimbursement system used to establish medicaid payment rates to nursing homes.

(c) All money collected under 15-60-102(1)(c) and (1)(d) must be used by the department of public health and human services for the purpose of:

(i) increasing the average price paid for medicaid nursing facility services above the fiscal year 2017 level under the price-based reimbursement system used to establish medicaid payment rates to nursing homes; and

(ii) in each year of the biennium beginning July 1, 2017, providing a wage increase of 50 cents per hour to certified nursing assistants working in nursing facilities, provided in increments of 25 cents per hour every 6 months.

(3) Money remaining in this account at the end of a fiscal year may not be expended or transferred for any other purpose and is subject to appropriation by a subsequent legislature for purposes consistent with subsection (2)."

Section 3. Appropriation. (1) (a) There is appropriated from the special revenue account provided for in 15-60-211 to the department of public health and human services \$4,427,982 in fiscal year 2018 and \$10,331,958 in fiscal year 2019 to fund increases in medicaid payments to nursing facilities.

(b) Of the amount appropriated in subsection (1)(a), \$584,120 must be used in fiscal year 2018 and \$1,365,085 in fiscal year 2019 for the wage increase for certified nursing assistants provided for in 15-60-211(2)(c)(ii).

(2) (a) There is appropriated from the federal special revenue fund to the department of public health and human services \$8,391,884 in fiscal year 2018 and \$20,074,039 in fiscal year 2019 to fund increases in payments to nursing facilities.

(b) Of the amount appropriated in subsection (2)(a), \$1,103,112 must be used in fiscal year 2018 and \$2,577,968 in fiscal year 2019 for the wage increase for certified nursing assistants provided for in 15-60-211(2)(c)(ii).

Section 4. Effective date. [This act] is effective July 1, 2017.

- END -

I hereby certify that the within bill,
HB 0618, originated in the House.

Speaker of the House

Signed this _____ day
of _____, 2017.

Chief Clerk of the House

President of the Senate

Signed this _____ day
of _____, 2017.

HOUSE BILL NO. 618
INTRODUCED BY N. BALLANCE

AN ACT INCREASING THE UTILIZATION FEE FOR NURSING FACILITIES TO INCREASE NURSING HOME REIMBURSEMENT RATES; PROVIDING A WAGE INCREASE FOR CERTAIN DIRECT CARE WORKERS; PROVIDING APPROPRIATIONS; AMENDING SECTIONS 15-60-102 AND 15-60-211, MCA; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 618

INTRODUCED BY N. BALLANCE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE UTILIZATION FEE FOR NURSING FACILITIES TO INCREASE NURSING HOME REIMBURSEMENT RATES; PROVIDING A WAGE INCREASE FOR CERTAIN DIRECT CARE WORKERS; PROVIDING APPROPRIATIONS; AMENDING SECTIONS 15-60-102 AND 15-60-211, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 15-60-102, MCA, is amended to read:

"15-60-102. (Temporary) Utilization fee for bed days in nursing facilities. (1) A nursing facility in the state shall pay to the department a utilization fee for each bed day in the facility in the following amounts:

(a) in the amount of \$2.80, which must be applied to maintain the price-based average payment rate to nursing facilities at the fiscal year ~~2003~~ 2017 base amount;

(b) in the amount of \$5.50 to be used to maintain the price-based average payment rate to nursing facilities at the fiscal year 2017 base amount as provided in 15-60-211;

~~(b)(c)~~ in fiscal year ~~2006~~ 2018, an additional amount of ~~\$4.25~~ \$1.20 \$3 to be used to increase the price-based average payment rate to nursing facilities above the fiscal year ~~2003~~ 2017 base as provided in 15-60-211; and

~~(e)(d)~~ beginning July 1, 2006 on and after July 1, 2018, an additional amount of ~~\$5.50~~ \$2.20 \$7 to be used to increase the price-based average payment rate to nursing facilities above the fiscal year ~~2003~~ 2017 base as provided in 15-60-211.

(2) The fees collected must be deposited as follows:

(a) the amounts collected as provided in subsection (1)(a), in the general fund; and

(b) the amounts collected as provided in subsections (1)(b) ~~and (1)(c)~~ through (1)(d), in the account in the state special revenue fund as provided in 15-60-211.

(3) A nursing facility may not place a fee created in this section on a patient's bill. (Void on occurrence of contingency--sec. 18, Ch. 746, L. 1991--see chapter compiler's comment.)"

1 **Section 2.** Section 15-60-211, MCA, is amended to read:

2 **"15-60-211. State special revenue account.** (1) There is a nursing facility utilization fee account in the
3 state special revenue fund as provided in 17-2-102.

4 (2) (a) All money collected under 15-60-102(1)(b) and (1)(e) through (1)(d) must be deposited in this
5 account.

6 (b) Money in the account collected under 15-60-102(1)(b) must be used by the department of public
7 health and human services for the purpose of ~~increasing~~ maintaining the average price paid for medicaid nursing
8 facility services ~~above~~ at the fiscal year ~~2003~~ 2017 level under the price-based reimbursement system used to
9 establish medicaid payment rates to nursing homes.

10 (c) All money collected under 15-60-102(1)(c) and (1)(d) must be used by the department of public
11 health and human services for the purpose of:

12 (i) increasing the average price paid for medicaid nursing facility services above the fiscal year 2017 level
13 under the price-based reimbursement system used to establish medicaid payment rates to nursing homes; AND

14 (ii) IN EACH YEAR OF THE BIENNIUM BEGINNING JULY 1, 2017, PROVIDING A WAGE INCREASE OF 50 CENTS PER
15 HOURLY TO CERTIFIED NURSING ASSISTANTS WORKING IN NURSING FACILITIES, PROVIDED IN INCREMENTS OF 25 CENTS PER
16 HOURLY EVERY 6 MONTHS.

17 (3) Money remaining in this account at the end of a fiscal year may not be expended or transferred for
18 any other purpose and is subject to appropriation by a subsequent legislature for purposes consistent with
19 subsection (2)."

20
21 **NEW SECTION.** **Section 3. Appropriation.** (1) (A) There is appropriated from the special revenue
22 account provided for in 15-60-211 to the department of public health and human services \$1,788,492 \$4,427,982
23 in fiscal year 2018 and \$3,278,902 \$10,331,958 in fiscal year 2019 to fund increases in medicaid payments to
24 nursing facilities.

25 (B) OF THE AMOUNT APPROPRIATED IN SUBSECTION (1)(A), \$584,120 MUST BE USED IN FISCAL YEAR 2018 AND
26 \$1,365,085 IN FISCAL YEAR 2019 FOR THE WAGE INCREASE FOR CERTIFIED NURSING ASSISTANTS PROVIDED FOR IN
27 15-60-211(1)(c)(ii) 15-60-211(2)(c)(ii).

28 (2) (A) There is appropriated from the federal special revenue fund to the department of public health
29 and human services \$3,389,539 \$8,391,884 in fiscal year 2018 and \$6,370,603 \$20,074,039 in fiscal year 2019
30 to fund increases in payments to nursing facilities.

(B) OF THE AMOUNT APPROPRIATED IN SUBSECTION (2)(A), \$1,103,112 MUST BE USED IN FISCAL YEAR 2018 AND \$2,577,968 IN FISCAL YEAR 2019 FOR THE WAGE INCREASE FOR CERTIFIED NURSING ASSISTANTS PROVIDED FOR IN 15-60-211(1)(C)(iii) 15-60-211(2)(C)(II).

NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2017.

- END -

HOUSE BILL NO. 618

INTRODUCED BY N. BALLANCE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE UTILIZATION FEE FOR NURSING FACILITIES TO INCREASE NURSING HOME REIMBURSEMENT RATES; PROVIDING A WAGE INCREASE FOR CERTAIN DIRECT CARE WORKERS; PROVIDING APPROPRIATIONS; AMENDING SECTIONS 15-60-102 AND 15-60-211, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 15-60-102, MCA, is amended to read:

"15-60-102. (Temporary) Utilization fee for bed days in nursing facilities. (1) A nursing facility in the state shall pay to the department a utilization fee for each bed day in the facility in the following amounts:

(a) in the amount of \$2.80, which must be applied to maintain the price-based average payment rate to nursing facilities at the fiscal year ~~2003~~ 2017 base amount;

(b) in the amount of \$5.50 to be used to maintain the price-based average payment rate to nursing facilities at the fiscal year 2017 base amount as provided in 15-60-211;

~~(b)(c)~~ in fiscal year ~~2006~~ 2018, an additional amount of ~~\$4.25~~ \$1.20 \$3 to be used to increase the price-based average payment rate to nursing facilities above the fiscal year ~~2003~~ 2017 base as provided in 15-60-211; and

~~(e)(d)~~ beginning July 1, 2006 on and after July 1, 2018, an additional amount of ~~\$5.50~~ \$2.20 \$7 to be used to increase the price-based average payment rate to nursing facilities above the fiscal year ~~2003~~ 2017 base as provided in 15-60-211.

(2) The fees collected must be deposited as follows:

(a) the amounts collected as provided in subsection (1)(a), in the general fund; and

(b) the amounts collected as provided in subsections (1)(b) ~~and (1)(c)~~ through (1)(d), in the account in the state special revenue fund as provided in 15-60-211.

(3) A nursing facility may not place a fee created in this section on a patient's bill. (Void on occurrence of contingency--sec. 18, Ch. 746, L. 1991--see chapter compiler's comment.)"

1 **Section 2.** Section 15-60-211, MCA, is amended to read:

2 **"15-60-211. State special revenue account.** (1) There is a nursing facility utilization fee account in the
3 state special revenue fund as provided in 17-2-102.

4 (2) (a) All money collected under 15-60-102(1)(b) and (1)(e) through (1)(d) must be deposited in this
5 account.

6 (b) Money in the account collected under 15-60-102(1)(b) must be used by the department of public
7 health and human services for the purpose of ~~increasing~~ maintaining the average price paid for medicaid nursing
8 facility services ~~above~~ at the fiscal year ~~2003~~ 2017 level under the price-based reimbursement system used to
9 establish medicaid payment rates to nursing homes.

10 (c) All money collected under 15-60-102(1)(c) and (1)(d) must be used by the department of public
11 health and human services for the purpose of:

12 (i) increasing the average price paid for medicaid nursing facility services above the fiscal year 2017 level
13 under the price-based reimbursement system used to establish medicaid payment rates to nursing homes; AND

14 (ii) IN EACH YEAR OF THE BIENNIUM BEGINNING JULY 1, 2017, PROVIDING A WAGE INCREASE OF 50 CENTS PER
15 HOURLY TO CERTIFIED NURSING ASSISTANTS WORKING IN NURSING FACILITIES, PROVIDED IN INCREMENTS OF 25 CENTS PER
16 HOURLY EVERY 6 MONTHS.

17 (3) Money remaining in this account at the end of a fiscal year may not be expended or transferred for
18 any other purpose and is subject to appropriation by a subsequent legislature for purposes consistent with
19 subsection (2)."

20
21 **NEW SECTION. Section 3. Appropriation.** (1) (A) There is appropriated from the special revenue
22 account provided for in 15-60-211 to the department of public health and human services \$1,788,492 \$4,427,982
23 in fiscal year 2018 and \$3,278,902 \$10,331,958 in fiscal year 2019 to fund increases in medicaid payments to
24 nursing facilities.

25 (B) OF THE AMOUNT APPROPRIATED IN SUBSECTION (1)(A), \$584,120 MUST BE USED IN FISCAL YEAR 2018 AND
26 \$1,365,085 IN FISCAL YEAR 2019 FOR THE WAGE INCREASE FOR CERTIFIED NURSING ASSISTANTS PROVIDED FOR IN
27 15-60-211(1)(C)(II).

28 (2) (A) There is appropriated from the federal special revenue fund to the department of public health
29 and human services \$3,389,539 \$8,391,884 in fiscal year 2018 and \$6,370,603 \$20,074,039 in fiscal year 2019
30 to fund increases in payments to nursing facilities.

1 (B) OF THE AMOUNT APPROPRIATED IN SUBSECTION (2)(A), \$1,103,112 MUST BE USED IN FISCAL YEAR 2018
2 AND \$2,577,968 IN FISCAL YEAR 2019 FOR THE WAGE INCREASE FOR CERTIFIED NURSING ASSISTANTS PROVIDED FOR
3 IN 15-60-211(1)(C)(II).

4

5 NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2017.

6 - END -

HOUSE BILL NO. 618

INTRODUCED BY N. BALLANCE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE UTILIZATION FEE FOR NURSING FACILITIES TO INCREASE NURSING HOME REIMBURSEMENT RATES; PROVIDING APPROPRIATIONS; AMENDING SECTIONS 15-60-102 AND 15-60-211, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 15-60-102, MCA, is amended to read:

"15-60-102. (Temporary) Utilization fee for bed days in nursing facilities. (1) A nursing facility in the state shall pay to the department a utilization fee for each bed day in the facility in the following amounts:

(a) in the amount of \$2.80, which must be applied to maintain the price-based average payment rate to nursing facilities at the fiscal year ~~2003~~ 2017 base amount;

(b) in the amount of \$5.50 to be used to maintain the price-based average payment rate to nursing facilities at the fiscal year 2017 base amount as provided in 15-60-211;

~~(b)(c)~~ in fiscal year ~~2006~~ 2018, an additional amount of ~~\$4.25~~ \$1.20 to be used to increase the price-based average payment rate to nursing facilities above the fiscal year ~~2003~~ 2017 base as provided in 15-60-211; and

~~(c)(d)~~ beginning July 1, 2006 on and after July 1, 2018, an additional amount of ~~\$5.50~~ \$2.20 to be used to increase the price-based average payment rate to nursing facilities above the fiscal year ~~2003~~ 2017 base as provided in 15-60-211.

(2) The fees collected must be deposited as follows:

(a) the amounts collected as provided in subsection (1)(a), in the general fund; and

(b) the amounts collected as provided in subsections (1)(b) ~~and (1)(c)~~ through (1)(d), in the account in the state special revenue fund as provided in 15-60-211.

(3) A nursing facility may not place a fee created in this section on a patient's bill. (Void on occurrence of contingency--sec. 18, Ch. 746, L. 1991--see chapter compiler's comment.)"

Section 2. Section 15-60-211, MCA, is amended to read:

1 **"15-60-211. State special revenue account.** (1) There is a nursing facility utilization fee account in the

2 state special revenue fund as provided in 17-2-102.

3 (2) (a) All money collected under 15-60-102(1)(b) and (1)(c) through (1)(d) must be deposited in this
4 account.

5 (b) Money in the account collected under 15-60-102(1)(b) must be used by the department of public
6 health and human services for the purpose of ~~increasing~~ maintaining the average price paid for medicaid nursing
7 facility services ~~above~~ at the fiscal year ~~2003~~ 2017 level under the price-based reimbursement system used to
8 establish medicaid payment rates to nursing homes.

9 (c) All money collected under 15-60-102(1)(c) and (1)(d) must be used by the department of public
10 health and human services for the purpose of increasing the average price paid for medicaid nursing facility
11 services above the fiscal year 2017 level under the price-based reimbursement system used to establish
12 medicaid payment rates to nursing homes.

13 (3) Money remaining in this account at the end of a fiscal year may not be expended or transferred for
14 any other purpose and is subject to appropriation by a subsequent legislature for purposes consistent with
15 subsection (2)."

16
17 NEW SECTION. Section 3. Appropriation. (1) There is appropriated from the special revenue account
18 provided for in 15-60-211 to the department of public health and human services \$1,788,492 in fiscal year 2018
19 and \$3,278,902 in fiscal year 2019 to fund increases in medicaid payments to nursing facilities.

20 (2) There is appropriated from the federal special revenue fund to the department of public health and
21 human services \$3,389,539 in fiscal year 2018 and \$6,370,603 in fiscal year 2019 to fund increases in payments
22 to nursing facilities.

23
24 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2017.

25 - END -

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE AND CLAIMS

Call to Order: Chair Llew Jones, on April 7, 2017 at 8:00 AM, in Room 317 Capitol

ROLL CALL

Members Present:

Sen. Llew Jones, Chair (R)
Sen. Frederick (Eric) Moore, Vice Chair (R)
Sen. Duane Ankney (R)
Sen. Mary Caferro (D)
Sen. Terry Gauthier (R)
Sen. David Howard (R)
Sen. Douglas (Doug) Kary (R)
Sen. Bob Keenan (R)
Sen. Mike Lang (R)
Sen. Mary McNally (D)
Sen. Albert Olszewski (R)
Sen. Ryan Osmundson (R)
Sen. Mike Phillips (D)
Sen. Jon C. Sesso (D)
Sen. Cary Smith (R)
Sen. Jeffrey W. Welborn (R)
Sen. Lea Whitford (D)
Sen. Cynthia Wolken (D)

Members Excused: None

Members Absent: None

Staff Present: Prudence Gildroy, Committee Secretary
Julie Johnson, Legislative Branch
Kris Wilkinson, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 228, 4/5/2017; HB 473, 4/6/2017; HB 618, 4/6/2017; HB 652, 4/3/2017; HB 591, 4/3/2017; SB 370, 4/3/2017;

HEARING ON HB 228

Opening Statement by Sponsor:

00:01:10 Rep. Jim Keane (D), HD 73, opened the hearing on HB 228, Provide funding for sage grouse stewardship.

Proponents' Testimony:

00:01:44 John Tubbs, Department of Natural Resources and Conservation
00:01:57 Dave Galt, Montana Petroleum Association
00:02:13 Glenn Marks, Montana Association of Land Trusts
00:02:24 Peggy Trenk, Treasure State Resources Association
00:02:37 Chelcie Cargill, Montana Farm Bureau Federation
00:02:52 Jon Metropoulos, Montana Association of Oil, Gas and Coal Counties

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:03:35 Rep. Keane

HEARING ON HB 473

Opening Statement by Sponsor:

00:04:12 Rep. Frank Garner (R), HD 7, opened the hearing on HB 473, Revise highway revenue laws.

00:06:57 Chair Jones left the meeting and Minority Vice Chair Caferro assumed the duties of Chair.

Proponents' Testimony:

00:14:15 Darryl James, executive director, Montana Infrastructure Coalition (MTIN)
[EXHIBIT\(fcs73a01\)](#)

00:19:33 Sen. Jones joined the meeting and assumed the duties of Chair.
00:21:25 Webb Brown, chair, Montana Infrastructure Coalition, Montana Chamber of Commerce
[EXHIBIT\(fcs73a02\)](#)

00:23:18 Dan Villa, budget director, Office of Budget and Program Planning
00:24:10 Harold Blattie, executive director, Montana Association of Counties
[EXHIBIT\(fcs73a03\)](#)

00:28:57 Shane Gorder, county commissioner, Richland County

[EXHIBIT\(fcs73a04\)](#)

00:31:24 Gordon Oelkers, county commissioner, Richland County

00:32:22 Gary MacDonald, county commissioner, Roosevelt County

00:34:29 Doug Nisbit, president, Montana Association of County Road Supervisors

00:35:02 Cary Hegreberg, executive director, Montana Contractors Association

00:37:47 Erik Sletten, president, Sletten Construction Company

[EXHIBIT\(fcs73a05\)](#)

00:40:08 Marty Schuma, president, Dick Anderson Construction

00:40:57 Tim Burton, executive director, Montana League of Cities and Towns

[EXHIBIT\(fcs73a06\)](#)

00:43:34 Tom Butler, Montana Highway Patrol (MHP)

00:44:00 Spook Stang, Motor Carriers of Montana

00:45:12 Bob Kelly, mayor, City of Great Falls

00:46:09 Doug Russell, city manager, City of Kalispell

00:47:51 Carson Taylor, mayor, City of Bozeman

00:48:50 Ted Barclay, city manager, City of Belgrade

00:50:40 Brett Hamilton, mayor, Town of Philipsburg

00:52:26 John Williams, mayor, City of Colstrip

00:52:47 Brad Longcake, executive director, Montana Petroleum Marketers and Convenience Store Association

00:54:19 Dan Karlin, American Society of Civil Engineers

[EXHIBIT\(fcs73a07\)](#)

00:57:54 Jessica Redfield, city clerk and treasurer, City of Sidney

[EXHIBIT\(fcs73a08\)](#)

00:58:56 Hal Fuglevand, MDU Resources and Knife River Corporation

00:59:47 Jason Rittal, Fallon County and for Bob Gilbert, City of Colstrip and City of Glendive, and Jon Metropoulos, Montana Association of Oil, Gas and Coal Counties

01:00:07 Steve Gross, business manager, Operating Engineers Local 400 Montana

01:00:32 Jay Skoog, executive director, American Council of Engineering Companies of Montana

[EXHIBIT\(fcs73a09\)](#)

01:01:00 Chris Cavazos, AFL-CIO

01:01:25 Don McCammon, HDR Engineering

[EXHIBIT\(fcs73a10\)](#)

01:02:39 Brent Campbell, WGM Group

[EXHIBIT\(fcs73a11\)](#)

01:04:40 Bill Lloyd, Great Western Engineering

[EXHIBIT\(fcs73a12\)](#)

01:04:57 Alan Erickson, Morrison-Maierle, Inc.

[EXHIBIT\(fcs73a13\)](#)

01:05:17 Randall Camp, City of Helena

01:05:37 John McDonald, City of Missoula

01:05:54 Cyndy Andrus, deputy mayor, City of Bozeman

01:06:15 Aidan Myhre, Kalispell Chamber of Commerce

01:06:31 Ed Bartlett, City of Billings, Bozeman Chamber of Commerce, Billings Chamber of Commerce

01:06:53 Rep. Scott Staffanson, HD 37

Opponents' Testimony:

01:07:54 Brent Mead, Montana Policy Institute

01:11:31 Sen. Dee Brown, SD 2

01:13:52 Sen. Dave Howard, SD 29

Informational Testimony:

01:16:42 Terry Johnson, Montana Infrastructure Coalition

01:17:31 Larry Flynn, Department of Transportation (MDT)

[EXHIBIT\(fcs73a14\)](#)

Questions from Committee Members and Responses:

01:22:42 Sen. Olszewski

01:23:15 Mr. Flynn, MDT

01:24:04 Sen. Olszewski

01:24:36 Mr. Flynn

01:25:12 Sen. Kary

01:25:32 Mr. Butler, MHP

01:26:00 Sen. Phillips

01:26:45 Mr. Taylor, Bozeman

01:27:32 Sen. Phillips

01:27:38 Mr. Taylor

01:28:00 Sen. Keenan

01:28:25 Rep. Garner

01:29:04 Sen. Keenan

01:29:15 Rep. Garner

01:30:19 Sen. Keenan

01:30:51 Rep. Garner

01:31:35 Sen. Whitford

01:32:55 Mr. Flynn

01:34:32 Sen. Whitford

01:34:52 Mr. Flynn

01:35:33 Mr. Butler

01:35:44 Sen. Whitford

01:35:59 Mr. Butler

01:36:24 Sen. Whitford

01:36:42 Mr. Flynn

01:37:09	Sen. Whitford
01:37:20	Mr. Flynn
01:37:24	Sen. Whitford
01:38:09	Mr. Blattie, MACo
01:40:12	Sen. Whitford
01:40:38	Mr. Blattie
01:41:03	Sen. Whitford
01:41:20	Sen. Lang
01:41:45	Mr. Flynn
01:42:21	Sen. Lang
01:42:26	Mr. Flynn
01:42:49	Sen. Lang
01:43:23	Rep. Garner
01:44:59	Sen. Lang
01:45:28	Rep. Garner
01:46:42	Sen. Ankney
01:47:12	Rep. Garner
01:47:36	Sen. Ankney
01:47:42	Rep. Garner
01:47:47	Sen. Moore
01:48:07	Rep. Garner
01:48:10	Sen. Moore
01:48:19	Sen. Whitford
01:48:28	Rep. Garner
01:48:35	Sen. Whitford
01:48:37	Rep. Garner
01:49:38	Sen. Wolken
01:50:26	Rep. Garner
01:51:18	Sen. Keenan
01:52:03	Rep. Garner
01:52:57	Sen. Keenan
01:53:41	Rep. Garner
01:54:41	Sen. Gauthier
01:55:03	Rep. Garner
01:56:11	Sen. Gauthier
01:56:17	Rep. Garner
01:56:33	Sen. Lang
01:57:20	Mr. James, MTIN
01:58:08	Sen. Lang
01:58:29	Mr. James
01:59:01	Sen. Sesso
01:59:47	Mr. Flynn
02:03:22	Sen. Sesso
02:03:39	Mr. Flynn
02:03:56	Sen. Sesso
02:04:41	Mr. Blattie
02:07:05	Sen. Sesso
02:07:46	Mr. Blattie
02:08:39	Sen. Keenan
02:09:24	Mr. Blattie

Closing by Sponsor:

02:09:46 Rep. Garner
[EXHIBIT\(fcs73a15\)](#)

Chair Jones left the meeting, and Sen. Moore assumed the duties of Chair.

HEARING ON HB 618

Opening Statement by Sponsor:

02:16:12 Rep. Nancy Ballance (R), HD 87, opened the hearing on HB 618, Increase nursing home bed tax for nursing home rate increases.

Proponents' Testimony:

02:20:15 Rose Hughes, Montana Health Care Association (MHCA)
[EXHIBIT\(fcs73a16\)](#)
[EXHIBIT\(fcs73a17\)](#)

02:27:25 Bob Olsen, Montana Hospital Association
02:29:35 Sen. Smith joined the meeting.
02:31:45 Melissa Lewis, Welcov Healthcare
02:32:40 Jessie Luther, Benefis Health System

Opponents' Testimony: None

Informational Testimony:

02:33:39 Mary Dalton, Department of Public Health and Human Services (DPHHS)

Questions from Committee Members and Responses:

02:33:58 Sen. Olszewski
02:34:34 Ms. Dalton, DPHHS
02:34:45 Sen. Olszewski
02:34:59 Ms. Dalton
02:35:22 Sen. Keenan
02:35:59 Ms. Hughes, MHCA
02:39:33 Sen. Keenan
02:39:41 Ms. Hughes
02:40:18 Sen. Caferro
02:42:14 Ms. Lewis, Welcov
02:42:33 Sen. Caferro
02:44:04 Ms. Dalton
02:44:22 Sen. Caferro
02:46:13 Rep. Ballance
02:52:39 Sen. Caferro
02:52:57 Rep. Ballance
02:53:11 Sen. Sesso

02:54:09 Rep. Ballance
02:56:56 Sen. Sesso
02:58:33 Rep. Ballance
03:00:04 Sen. Sesso
03:00:31 Ms. Dalton
03:01:45 Sen. Lang
03:02:31 Ms. Dalton
03:04:07 Sen. Lang
03:04:12 Ms. Dalton

Closing by Sponsor:

03:05:05 Rep. Ballance

HEARING ON HB 652

Opening Statement by Sponsor:

03:06:07 Rep. Rob Cook (R), HD 18, opened the hearing on HB 652, Provide for health care and insurance coverage laws.

Proponents' Testimony:

03:07:10 Kris Hansen, Office of the Montana State Auditor, Commissioner of Securities and Insurance (CSI)

[EXHIBIT\(fcs73a18\)](#)

03:17:11 Frank Cote, Blue Cross Blue Shield of Montana (BCBSMT)
03:18:35 Jennifer Hensley, Pacific Source Health Plan

Opponents' Testimony:

03:19:18 Amanda Harrow, Department of Public Health and Human Services (DPHHS)
03:21:42 Stacey Anderson, Montana Primary Care Association
03:24:05 Dennis Nyland, mental health ombudsman, Board of Nurses
03:26:02 Claudia Clifford, AARP Montana
03:27:13 Kim Gillan, representing herself

Informational Testimony: None

Questions from Committee Members and Responses:

03:30:43 Sen. Olszewski
03:31:42 Ms. Gillan, self
03:32:57 Sen. Olszewski
03:33:26 Ms. Gillan
03:34:12 Sen. Olszewski
03:34:28 Sen. Whitford
03:35:03 Ms. Hansen, CSI
03:35:22 Sen. Whitford

03:36:09 Ms. Harrow
03:41:45 Sen. Whitford
03:41:53 Ms. Harrow
03:42:44 Sen. Whitford
03:42:53 Kris Wilkinson, Legislative Fiscal Division (LFD)
03:43:11 Sen. Olszewski
03:43:33 Ms. Harrow
03:45:45 Sen. Olszewski
03:46:14 Ms. Harrow
03:46:49 Sen. McNally
03:47:16 Ms. Hansen
03:50:15 Sen. McNally
03:50:38 Ms. Hansen
03:51:17 Sen. Smith
03:52:07 Mr. Cote, BCBSMT
03:57:10 Sen. Smith
03:57:29 Mr. Cote
03:57:57 Sen. Caferro
04:00:42 Ms. Hansen
04:04:02 Sen. Caferro
04:04:07 Ms. Hansen
04:04:22 Sen. Whitford
04:04:55 Ms. Hansen
04:05:37 Sen. Whitford
04:05:39 Ms. Hansen
04:06:06 Sen. Whitford
04:06:15 Ms. Hansen

Closing by Sponsor:

04:06:21 Rep. Cook

HEARING ON HB 591

Opening Statement by Sponsor:

04:07:14 Rep. Zach Brown (D), HD 63, opened the hearing on HB 591, Provide for student loan refinancing.

Proponents' Testimony:

04:13:02 David Ewer, Board of Investments (BOI)
04:13:30 Sen. Jones joined the meeting.
04:15:15 Eric Feaver, MEA-MFT
04:15:46 Andy Bixler, Montana Associated Students
04:16:15 Katy Westhoff, Montana Public Interest Research Group

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

04:16:58 Chair Moore
04:17:09 Mr. Ewer, BOI
04:17:46 Chair Moore
04:17:55 Mr. Ewer
04:18:28 Sen. Moore

Closing by Sponsor:

04:19:16 Rep. Brown

HEARING ON SB 370

Opening Statement by Sponsor:

04:21:48 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 370, Provide for enhanced driver's license.

Sen. Jones assumed the duties of Chair.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

04:23:13 Sarah Garcia, Motor Vehicle Division, Department of Justice

Questions from Committee Members and Responses:

04:23:33 Chair Jones
04:23:45 Sen. Fitzpatrick

Closing by Sponsor:

04:24:13 Sen. Fitzpatrick
04:24:15 Chair Jones

ADJOURNMENT

Adjournment: 12:25 PM

Prudence Gildroy, Secretary

pg

Additional Documents

Additional Documents:

EXHIBIT([fcs73aad.pdf](#))



36 S. Last Chance Gulch, Suite A ■ Helena, MT 59601 ■ Telephone 406 443 2876 ■ Fax 406 443 4614 ■ E-mail info@mthealthcare.org

**CMS - new regulations for nursing homes - effective November 28, 2016
(with phase in)**

Additional paperwork/documentation related to:

- resident rights and facility responsibilities
- person-centered care planning
- policies /procedures related to abuse investigations
- admission policies
- transfer and discharge and discharge summaries/documents
- resident assessment
- additional documentation in medical record related to resident and family lack of participation in care plan meetings
- quality of life
- facility-wide assessment to determine sufficiency of nursing staff
- expanded requirements for pharmacy review, medical director
- added policies/procedures related to monthly drug regimen review
- policy related to dentures that are lost or damaged
- data collection related to new quality assurance process
- expanded infection control process, annual review of process
- compliance and ethics program with annual review and revision (Additional requirements if over 5 facilities)

Additional hours of staff and consultants, new positions related to:

- facility must act as fiduciary of resident funds if asked
- Grievance Official responsible for overseeing grievance process
- involvement of licensed and non-licensed staff on all shifts (in assessment process)
- adding two staff to required members of team that develops the care plan (there's a baseline care plan and a regular care plan on admission, and quarterly after that, and also upon significant changes in condition)
- broadened activities program and staff engaged in them
- staffing based on facility-wide assessment related to number of residents, resident acuity, range of diagnoses and content of individual care plans; facility to conduct, document and annually review facility-wide assessment and review if significant change
- behavioral health care and services
- pharmacist must review every medical chart during each monthly drug regimen review
- dental services - helping with Medicaid, transportation to and from services, documentation related to referral
- director of food and nutrition services competencies and skills
- quality assurance program

- Infection Preventionist with certain qualifications and requirement that this individual be a member of the QA committee
- designate Compliance and Ethics officer
- regular inspection of bed frames, mattresses and bed rails

Additional training/hours related to:

- training on "culturally competent" and "trauma informed" care
- training on behavioral health
- eight required training topics for new and existing staff, contractors and volunteers
- additional training based on facility assessment

April 2017

• We are clarifying that with regard to a referral for lost or damaged dentures “promptly” means that the referral must be made within 3 business days unless there is documentation of extenuating circumstances.

Food and Nutrition Services (§ 483.60)

• We are requiring facilities to provide each resident with a nourishing, palatable, well-balanced diet that meets his or her daily nutritional and special dietary needs, taking into consideration the preferences of each resident. We are also requiring facilities to employ sufficient staff, including the designation of a director of food and nutrition service, with the appropriate competencies and skills sets to carry out the functions of dietary services while taking into consideration resident assessments and individual plans of care, including diagnoses and acuity, as well as the facility's resident census.

Specialized Rehabilitative Services (§ 483.65)

• We have added respiratory services to those services identified as specialized rehabilitative services.

Administration (§ 483.70)

• We have largely relocated various portions of this section into other sections of subpart B as deemed appropriate.

• We require facilities to conduct, document, and annually review a facility-wide assessment to determine what resources are necessary to care for its residents competently during both day-to-day operations and emergencies. Facilities are required to address in the facility assessment the facility's resident population (that is, number of residents, overall types of care and staff competencies required by the residents, and cultural aspects), resources (for example, equipment, and overall personnel), and a facility-based and community-based risk assessment.

• **Binding Arbitration Agreements:** We are requiring that facilities must not enter into an agreement for binding arbitration with a resident or their representative until after a dispute arises between the parties. Thus, we are prohibiting the use of pre-dispute binding arbitration agreements.

Quality Assurance and Performance Improvement (QAPI) (§ 483.75)

• We are requiring all LTC facilities to develop, implement, and maintain an effective comprehensive, data-driven QAPI program that focuses on systems of care, outcomes of care and quality of life.

Infection Control (§ 483.80)

• We are requiring facilities to develop an Infection Prevention and Control Program (IPCP) that includes an Antibiotic Stewardship Program and designate at least one Infection Preventionist (IP).

Compliance and Ethics Program (§ 483.85) *New Section*

• We are requiring the operating organization for each facility to have in effect a compliance and ethics program that has established written compliance and ethics standards, policies and procedures that are capable of reducing the prospect of criminal, civil, and administrative violations in accordance with section 1128I(b) of the Act.

Physical Environment (§ 483.90)

• We are requiring facilities that are constructed, re-constructed, or newly certified after the effective date of this regulation to accommodate no more than two residents in a bedroom. We are also requiring facilities that are constructed, or newly certified after the effective date of this regulation to have a bathroom equipped with at least a commode and sink in each room.

Training Requirements (§ 483.95) *New Section*

• We are adding a new section to subpart B that sets forth all the requirements of an effective training program that facilities must develop, implement, and maintain for all new and existing staff, individuals providing services under a contractual arrangement, and volunteers, consistent with their expected roles.

3. Summary of Costs and Benefits

We estimate the total projected cost of this final rule will be about \$831 million in the first year and \$736 million per year for subsequent years. While this is a large amount in total, the average costs per facility are estimated to be about \$62,900 in the first year and \$55,000 per year for subsequent years. Although the overall magnitude of cost related to this regulation is economically significant, we note that these costs are significantly less than the amount of Medicare and Medicaid spending for LTC services. According to the 2015 Annual Report of the Medicare Trustees, payments for SNF services from Medicare Part A were \$29.92 billion for fiscal year 2015 and payments for NF services were \$50.6 billion for fiscal year 2013 (see <https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/CMS-Statistics-Reference-Booklet/2015.html>).

We are unable to quantify the benefits of the final rule; however, this final rule creates new efficiencies and flexibilities for facilities that are likely to reduce avoidable hospital readmissions, increase the rate of improvement in quality throughout facilities, and create positive business benefits for facilities.

B. Statutory and Regulatory Authority of the Requirements for Long-Term Care Facilities

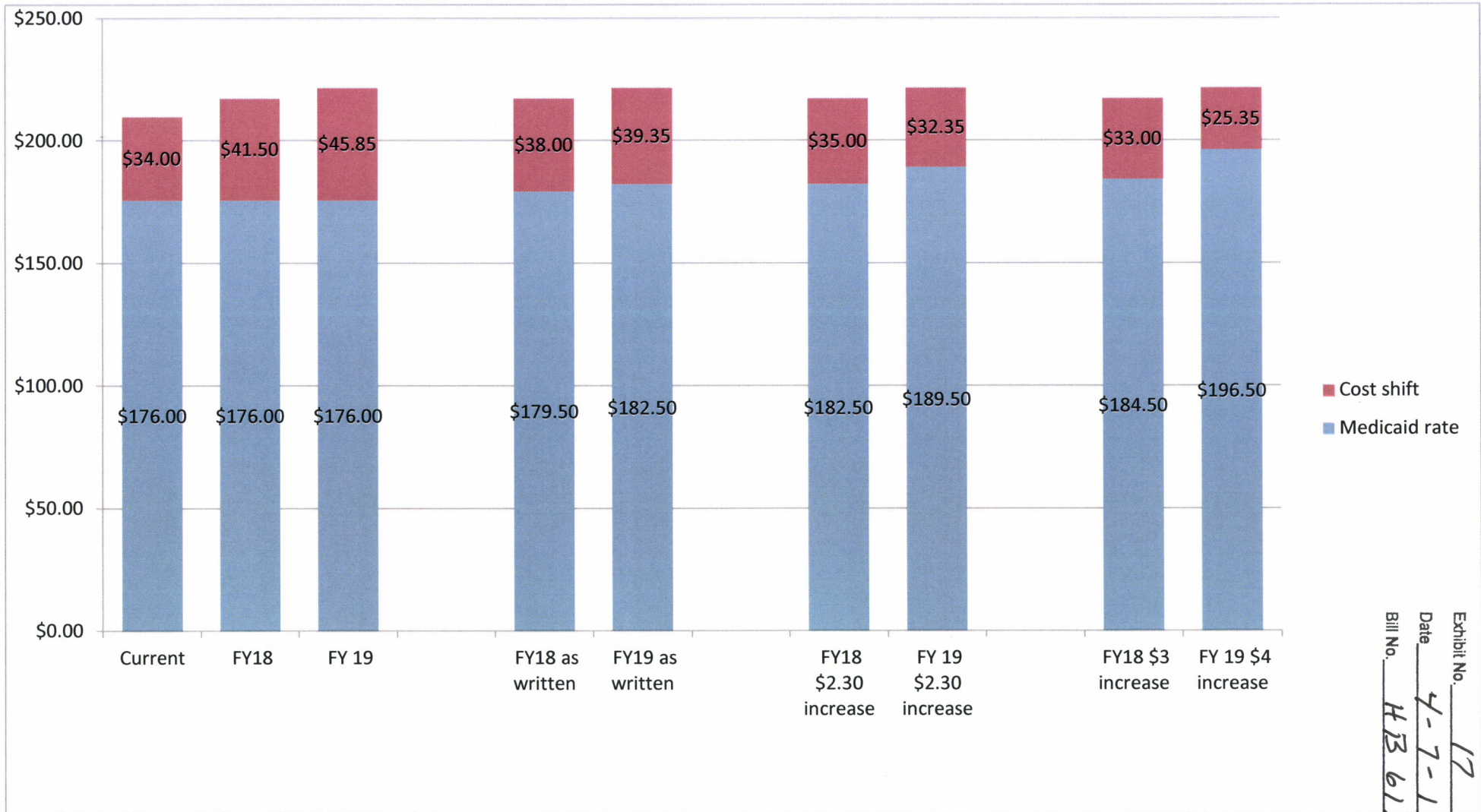
In addition to specific statutory requirements set out in sections 1819 and 1919 and elsewhere in the Act, sections 1819(d)(4)(B) and 1919(d)(4)(B) of the Act permit the Secretary of the Department of Health and Human Services (the Secretary) to establish any additional requirements relating to the health, safety, and well-being of SNF and NF residents, respectively, as the Secretary finds necessary.

Under sections 1866 and 1902 of the Act, providers of services seeking to participate in the Medicare or Medicaid program, or both, must enter into an agreement with the Secretary or the state Medicaid agency, as appropriate. LTC facilities seeking to be Medicare and Medicaid providers of services must be certified as meeting federal participation requirements. LTC facilities include SNFs for Medicare and NFs for Medicaid. The federal participation requirements for SNFs, NFs, or dually certified facilities, are codified in the implementing regulations at 42 CFR part 483, subpart B. Sections 1819(b)(1)(A) and 1919(b)(1)(A) of the Act provide that a SNF or NF must care for its residents in such a manner and in such an environment as will promote maintenance or enhancement of the quality of life of each resident. In addition, the IMPACT Act (Pub. L. 113–185) amended Title XVIII of the Act by, among other things, adding Section 1899B to the Act. Section 1899B(i) of the Act requires that certain providers, including long term care facilities, take into account, quality, resource use, and other measures to inform and assist with the discharge planning process, while also accounting for the treatment preferences and goals of care of residents.

The Affordable Care Act made a number of changes to the Medicare and Medicaid programs. For instance, in an effort to increase accountability for SNFs and NFs, section 6102 of the Affordable Care Act established a new section 1128I of the Act. In general, section 1128I(b) of the Act requires LTC facilities to have in operation an effective compliance and ethics program that is effective in preventing and

HOUSE BILL 618

Increase Nursing Home Utilization Fee



Assumptions:

1. Cost of new regs spread over all patient days
2. Inflation at 2% per year over biennium
3. Medicaid days at 1,015,000

SENATE FINANCE & CLAIMS

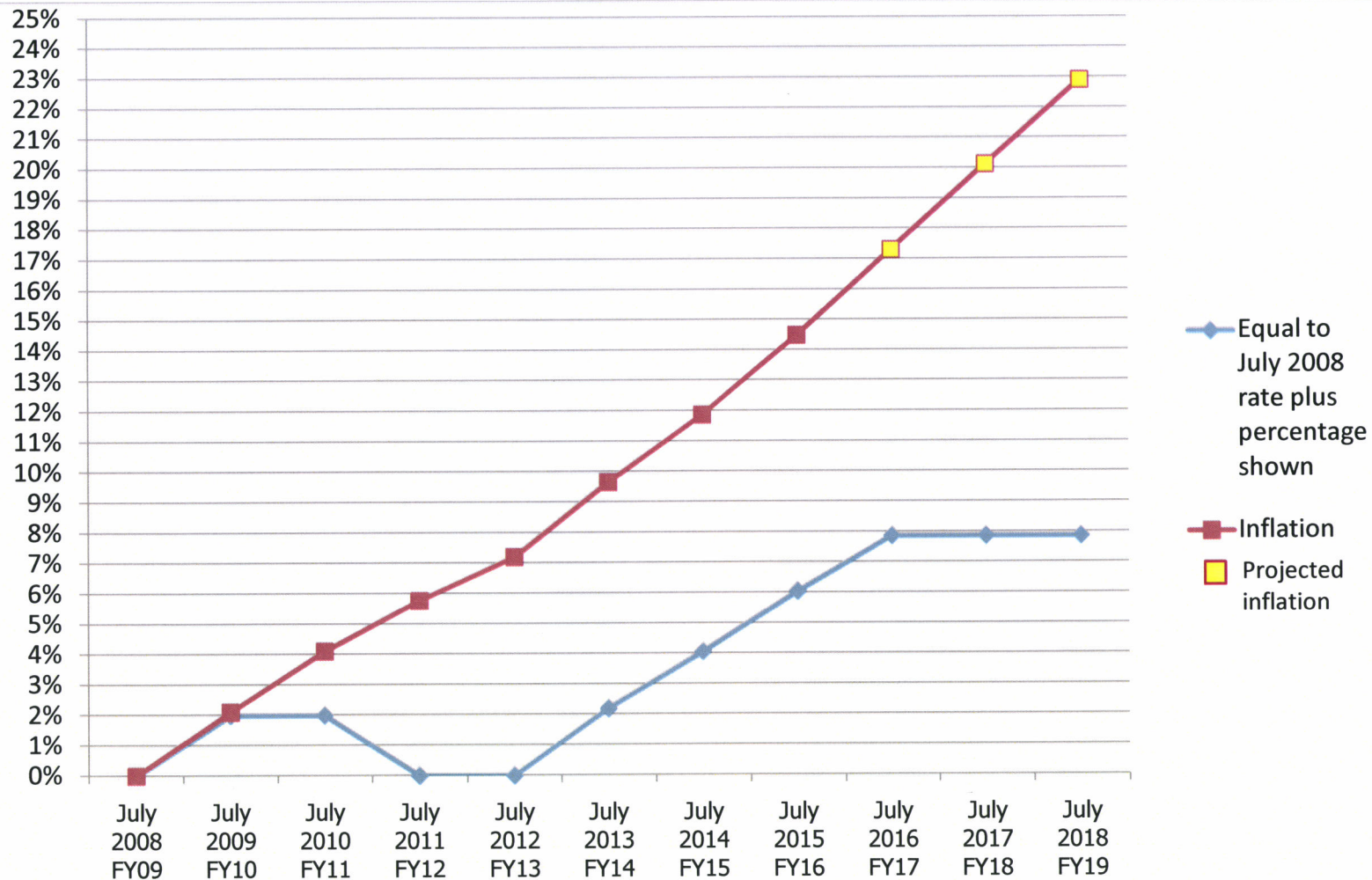
Exhibit No. 17

Date 4-7-17

Bill No. HB 618

Rose Hughes, Exec Director
Montana Health Care Association - 406 443 2876

Medicaid Rate Increases vs Inflation - Nursing Homes



Inflation source: Global Insight - Healthcare Cost Review, Second Quarter 2016 Publication Skilled Nursing Facility Total Market Basket, (Calendar year 2010=1.0) (Table 6.6CY) and Myers and Stauffer

Montana State Legislature

65th Montana Legislature - 2017

ADDITIONAL DOCUMENTS

Business Report

Signed by Chairman

Roll Call

Attendance

Standing Committee Reports

Tabled Bills

Fiscal Reports

Roll Call Votes

Proxy Forms

Visitor Registration

Additional Documents

Witness Statements that are not presented as exhibits. All informational items handed in after meeting. Petitions; etcetera.

- **Any documents which were submitted after the committee hearing has ended and/or was submitted late within 24 hours regarding information in the committee hearing.**

YOU MAY VIEW THE ORIGINAL DOCUMENTS

AT THE MONTANA HISTORICAL SOCIETY

MONTANA HISTORICAL SOCIETY ARCHIVES

225 N. ROBERTS

HELENA, MT 59620-1201

2017 LEGISLATIVE SESSION

E-DOCUMENT SPECIALIST: SUSIE HAMILTON

BUSINESS REPORT

**MONTANA SENATE
65th LEGISLATURE - REGULAR SESSION**

SENATE FINANCE AND CLAIMS COMMITTEE

Date: Friday, April 7, 2017
Place: Capitol

Time: 8:00 AM
Room: 317

BILLS and RESOLUTIONS HEARD:

HB 228 - Provide funding for sage grouse stewardship - Rep. Jim Keane
HB 473 - Revise highway revenue laws - Rep. Frank Garner
HB 618 - Increase nursing home bed tax for nursing home rate increases - Rep. Nancy Ballance
HB 652 - Provide for health care and insurance coverage laws - Rep. Rob Cook
HB 591 - Provide for student loan refinancing - Rep. Zach Brown
SB 370 - Provide for enhanced driver's license - Sen. Steve Fitzpatrick

EXECUTIVE ACTION TAKEN:

Comments:



SEN. Llew Jones, Chair

MONTANA STATE SENATE

ROLL CALL

FINANCE AND CLAIMS COMMITTEE

DATE: April 7, 2017

NAME	PRESENT	ABSENT/ EXCUSED
Chairman Jones	✓	
Vice Chair Moore	✓	joined after roll
Senator Ankney	✓	
Senator Caferro	✓	joined after roll
Senator Gauthier	✓	
Senator Howard	✓	
Senator Kary	✓	
Senator Keenan	✓	
Senator Lang	✓	
Sen. McNally	✓	
Senator Olszewski	✓	
Senator Osmundson	✓	
Senator Phillips	✓	
Senator Sesso	✓	
Senator Smith	✓	joined after roll
Senator Welborn	✓	
Senator Whitford	✓	
Senator Wolken	✓	joined after roll

SENATE FINANCE AND CLAIMS COMMITTEE

Sponsor: Rep. Jim Keane

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE FINANCE AND CLAIMS COMMITTEE

Friday, April 7, 2017

HB 473 - Revise highway revenue laws

Sponsor: Rep. Frank Garner

PLEASE PRINT

Name	Representing	Support	Oppose	Info
ERIC FEAVEIR	MSA-MT	☒		
Doug Nisbet	MAERS	☐		
Don McCammon	MDR	☐		
WEBB BROWN	MT CHAMBER	☒		
Gordon OELKEIS	Roosevelt Co	☐		
Gary Macdonald	" "	☒		
Carson Taylor	City of Bozeman	☒		
Cyndy Andrews	City of Bozeman	☒		
BRENT AUFRELL	WELW GROUP	☒		
ERIK SUTTEN	SUTTEN CONST.	☒		
TED ZAKKREY	CITY OF BELLEVUE	☒		
Doug Russell	City of Kalispell	☒		
DARRELL JAMES	MT Independent Co. Inc.	☒		
Shane Gorder	Richland County Com.	☒		
John Williams	City of Colstrip	☒		
Jessica Bedford	City of Sidney	☒		
TOM BUTLER	MHP	☒		
BRAD LONGWAKE	MAPKSA	☒		
Brett A. Hamilton	Town of Philipsburg	☒		
Dan Karlin	ASCE/MSE	☒		
Alan Erickson	Morrison Maierle	☒		
SCOTT MURPHY	MORRISON MAIERLE	☒		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Spunk Jimmy

MEM

[Signature]



HB 473

<u>Name</u>	<u>Representative</u>	<u>Support</u>	<u>Oppose</u>	<u>Info</u>
Jason Riffal	Fallon Co. / MEDA / MAOGCC	X		
Phil Forbes	Morrison - Maierle	X		
Bob Kelly	CITY OF GREAT FALLS	X		
AAL FURLEVAND	KNIFE RIVER / IMPUR	X		
Jon Metropoulos	MT Assoc of Oil, gas, & coal counting	X		
Jennifer James	AIA	X		
Bill Lloyd	Great West Eng	X		
MARTY SCHUMA	DICK ANDERSON CONST.	X		
Jeremiah Lemons	Helena Sand & Gravel	X		
Cary Hegreberg	CONTRACTORS	X		
Steve Cross	INOC Local 400	X		
Tim Burton	MT League of Cities	X		
RANDALL CAMP	CITY OF HELENA			
Dave Gates	STATLY ENGINEERING	X		
Bob Gilbert	Colstrip Glen & Ivex	X		
Aidan Myhre	Kalispell Chamber of Comm			support
Abigail St. Lawrence	MBA			
Brent Mead	MPI			Support Oppose
Amy Gaudet	ASHGore cen			Support
Sarah Converse	30c			support

MONTANA STATE SENATE

Visitors Register

SENATE FINANCE AND CLAIMS COMMITTEE

Friday, April 7, 2017

HB 652 - Provide for health care and insurance coverage laws

Sponsor: Rep. Rob Cook

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE FINANCE AND CLAIMS COMMITTEE

Sponsor: Rep. Zach Brown

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE FINANCE AND CLAIMS COMMITTEE

Friday, April 7, 2017

SB 370 - Provide for enhanced driver's license

Sponsor: Sen. Steve Fitzpatrick

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

\$0.25/hour increase for SLTC CNAs every six months over FY 2018 and FY 2019

Jul. 1 2017 to Jan. 1 2018 (FY 2018): Labor Supply Elasticity=0										
Nursing Home C.N.A.	<u>Days</u>	<u>Labor Elas.</u>	<u>Hours</u>	<u>Increase</u>	<u>% Increase</u>	<u>SFY FMAP</u>	<u>Total Funds</u>	<u>State Funds</u>	<u>Fed. Funds</u>	
	184	0	2,274,363	\$ 0.25	2.27%	0.6538	\$ 568,591	\$ 196,846	\$ 371,745	
Jan. 1 2018 to Jul. 1 2018 (FY 2018): Labor Supply Elasticity=0										
Nursing Home C.N.A.	<u>Days</u>	<u>Labor Elas.</u>	<u>Hours</u>	<u>Increase</u>	<u>% Increase</u>	<u>SFY FMAP</u>	<u>Total Funds</u>	<u>State Funds</u>	<u>Fed. Funds</u>	
	181	0	2,237,281	\$ 0.50	4.55%	0.6538	\$ 1,118,641	\$ 387,273	\$ 731,367	
Jul. 1 2018 to Jan. 1 2019 (FY 2019): Labor Supply Elasticity=0										
Nursing Home C.N.A.	<u>Days</u>	<u>Labor Elas.</u>	<u>Hours</u>	<u>Increase</u>	<u>% Increase</u>	<u>SFY FMAP</u>	<u>Total Funds</u>	<u>State Funds</u>	<u>Fed. Funds</u>	
	184	0	2,274,363	\$ 0.75	6.82%	0.6538	\$ 1,705,772	\$ 590,538	\$ 1,115,234	
Jan. 1 2019 to Jul. 1 2019 (FY 2019): Labor Supply Elasticity=0										
Nursing Home C.N.A.	<u>Days</u>	<u>Labor Elas.</u>	<u>Hours</u>	<u>Increase</u>	<u>% Increase</u>	<u>SFY FMAP</u>	<u>Total Funds</u>	<u>State Funds</u>	<u>Fed. Funds</u>	
	181	0	2,237,281	\$ 1.00	9.09%	0.6538	\$ 2,237,281	\$ 774,547	\$ 1,462,734	
								<u>State Funds</u>	<u>Fed. Funds</u>	
								FY18	\$ 584,120	\$ 1,103,112
								FY19	\$ 1,365,085	\$ 2,577,968
2019 Biennium Total							\$ 5,630,285	\$ 1,949,205	\$ 3,681,080	

Additional Documents

SENATE: Finance & Claims

Date: 7-7-17

Bill No. HB 618

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: Chair Nancy Ballance, on March 23, 2017 at 3:00 P.M., in Room 102 Capitol

ROLL CALL

Members Present:

Rep. Nancy Ballance, Chair (R)
Rep. Randy Brodehl, Vice Chair (R)
Rep. Kelly McCarthy, Vice Chair (D)
Rep. Dan Bartel (R)
Rep. Tom Burnett (R)
Rep. Rob Cook (R)
Rep. Mike Cuffe (R)
Rep. Janet Ellis (D)
Rep. Carl Glimm (R)
Rep. Bradley Hamlett (D)
Rep. Kenneth L. Holmlund (R)
Rep. Mike Hopkins (R)
Rep. Donald W. Jones (R)
Rep. Jim Keane (D)
Rep. Jon A. Knokey (R)
Rep. Ryan Lynch (D)
Rep. Jimmy Patelis (R)
Rep. Rae Peppers (D)
Rep. Marilyn Ryan (D)
Rep. Brad Tschida (R)
Rep. Tom Woods (D)

Members Excused:

Rep. Kimberly Dudik (D)

Members Absent: None

Staff Present: Julie Johnson, Legislative Branch
Joe Triem, Legislative Branch
Sherri Row, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 618, 3/15/2017; HB 365, 3/15/2017; HB 550, 3/15/2017; HB 558, 3/15/2017

00:01:29 Chair Ballance
00:01:44 Rep. Dudik joined the meeting
00:01:54 Chair Ballance relinquished the chair to Vice Chair Brodehl

HEARING ON HB 618

Opening Statement by Sponsor:

00:02:11 Rep. Nancy Ballance (R), HD 87, opened the hearing on HB 618, Increase nursing home bed tax for nursing home rate increases.

Proponents' Testimony:

00:06:49 Rose Hughes, Montana Health Care Association
[EXHIBIT\(aph60b01\)](#)
[EXHIBIT\(aph60b02\)](#)

00:11:46 Bob Olson, Montana Hospital Association
00:12:31 Jesse Luther, Benefis Health System

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:13:51 Rep. Burnett
00:15:21 Rose Hughes, Montana Health Care Association
00:16:19 Rep. Ryan
00:18:18 Rose Hughes, Montana Health Care Association
00:18:38 Rep. Woods
00:20:47 Rose Hughes, Montana Health Care Association
00:21:30 Rep. Burnett
00:23:05 Rose Hughes, Montana Health Care Association
00:24:31 Rep. Holmlund
00:27:31 Rose Hughes, Montana Health Care Association
00:27:55 Rep. Woods
00:29:02 Rose Hughes, Montana Health Care Association

Closing by Sponsor:

00:29:15 Rep. Ballance

HEARING ON HB 365

Opening Statement by Sponsor:

00:31:28 Rep. Ray Shaw (R), HD 71, opened the hearing on HB 365, Revise underground utility laws.

00:32:19 Rep. Ballance left the meeting

Proponents' Testimony:

00:32:51 Doug Hardy, Montana Electric Cooperatives Association (MECA)
00:34:15 Ron Devlen, NorthWestern Energy
00:34:50 Todd Devlin, Montana Association of Counties (MACo)
00:35:09 Cary Hegreberg, Montana Contractors Association
00:35:53 Geoff Feiss, Montana Telecommunication Association
00:36:18 Travis Kavula, Public Service Commission (PSC)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:37:30 Rep. Shaw

HEARING ON HB 550

Opening Statement by Sponsor:

00:38:14 Rep. Jeff Essmann (R), HD 54, opened the hearing on HB 550, Revise laws related to corporate loss carryback and carryforward.

Proponents' Testimony:

00:41:19 Holly Franz, Montana Society of CPA's
00:41:43 Bob Story, Montana Taxpayers Association
00:42:04 Chair Brodehl relinquished the chair to Rep. Tschida and left the meeting

Opponents' Testimony:

00:42:27 Director Mike Kadas, Department of Revenue (DOR)

[EXHIBIT\(aph60b03\)](#)

Informational Testimony:

00:45:45 Sam Schaffer, Legislative Fiscal Division (LFD)

Questions from Committee Members and Responses:

00:46:01 Rep. Keane
00:48:04 Rep. Essmann
00:48:08 Rep. Woods
00:48:24 Rep. Essmann
00:48:42 Director Kadas, DOR

Closing by Sponsor:

00:49:02 Rep. Essmann

HEARING ON HB 558

Opening Statement by Sponsor:

00:50:00 Rep. Greg Hertz (R), HD 12, opened the hearing on HB 558, Revise tax rates to mitigate reappraisal.

Proponents' Testimony:

00:51:53 Nicole Rolf, Montana Farm Bureau Federation (MFBF)
00:53:57 Jay Bodner, Montana Stockgrowers Association (MSGA)
00:55:02 Bob Story, Montana Taxpayers Association (MONTAX)

Opponents' Testimony:

00:55:46 Director Kadas, Department of Revenue (DOR)

Informational Testimony:

01:02:14 Ed Caplis, Department of Revenue (DOR)

Questions from Committee Members and Responses:

01:02:39 Rep. Cook
01:03:45 Director Kadas, DOR
01:04:03 Chair Tschida
01:04:35 Rep. Hertz
01:04:52 Chair Tschida
01:05:48 Director Kadas, DOR

Closing by Sponsor:

01:06:07 Rep. Hertz

01:07:47 Chair Tschida
01:08:05 Joe Triem, Legislative Fiscal Division (LFD)
01:08:57 Chair Tschida

ADJOURNMENT

Adjournment: 01:09:05

Sherri Row, Secretary

sr

Additional Documents:

EXHIBIT([aph60bad.pdf](#))

NURSING HOME FACTS

EXHIBIT 1

DATE 3/23/2017

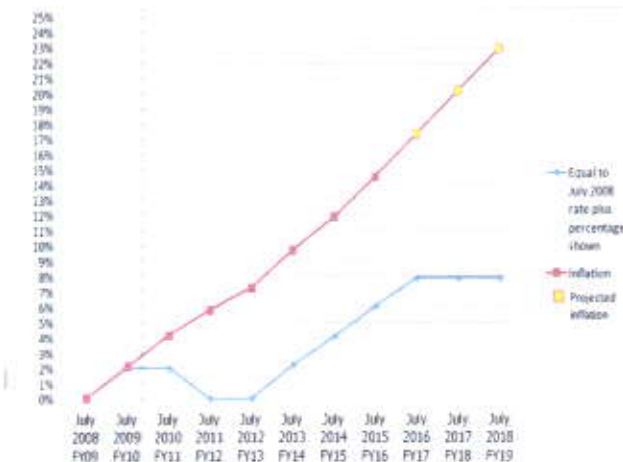
HB 618

Who we serve – the most frail and needy older Montanans. Montana's nursing homes provide care to our most vulnerable elderly - people who can no longer care for themselves. When even the most loving families find it impossible to deal with the extreme physical and mental disabilities of their loved ones, they come to us for help. Because of their many needs, these individuals require 24-hour care and are not candidates for other less intense services. Normally, these individuals have used all of their savings paying for their care, have sold their homes and have otherwise impoverished themselves. Any income, including their social security checks, are applied to the cost of their care. They get to keep \$50 per month to meet any personal needs they may have such as shoes, clothing, hair cuts and the like. These are people who have worked hard all their lives, paid taxes and contributed to their communities, but now they are old and sick and need our help.



The role of Medicaid in nursing homes - 60% of our customers are on Medicaid. The state of Montana - through the Medicaid program - has taken on the responsibility of paying for the care of those who cannot afford their own care. Over 60% of the people in our nursing homes are on Medicaid. Because so many of our residents are on Medicaid, the Medicaid rates have a major impact on our ability to hire enough staff, to pay them a living wage, and to meet other necessary expenses.

Impact of inflation - what happens when Medicaid fails to recognize our cost increases? We are experiencing large increases in the cost of food, medical supplies, utilities, health insurance, liability insurance, labor and basic every day necessities. When rates don't account for these cost increases, facilities take other steps to reduce costs including reducing hours and staff, limiting wage increases, and other steps that also affect the quality of care. On the revenue side, those who pay for their own care see significant rate increases and county facilities go to local taxpayers for more support.



Medicaid rates are significantly less than the cost of providing care. The current average rate paid to a nursing facility is \$176.06 (including all direct care wage funding) for each day of care while the current average cost is about \$210.00 for each day of care. On average, nursing homes currently lose about \$34 per day of care provided to Medicaid beneficiaries. These figures take into account the 2% rate increases that went into effect during the current biennium.

Direct care wage increases have been specifically funded by the legislature. Nursing homes have worked hard, with help from the legislature, to improve wages to our direct care workers and to distance their wage rates from the minimum wage. This is necessary to attract and retain needed staff, particularly CNA's. Our workers provide the most basic and intimate types of care to residents no longer able to care for themselves—providing personal hygiene needs as well as other physical, emotional and spiritual needs, often taking the

place of absent family. This work is both physically and emotionally draining. To attract well-qualified people to this work we must place value on it through the wages we pay.

The 2015 legislature appropriated about \$2.8M over the 2017 biennium to be used for wages and/or lump sum payments to nursing home workers. This amount was sufficient to fund about a 25-cent per hour wage increase for direct care workers each year of the biennium. While this funding was much appreciated - it was a small amount and certainly not sufficient to recruit and retain workers in our current labor environment. Nursing homes as well as all human services providers who employ direct care workers are experiencing a critical shortage of workers. Low Medicaid rates which lead to low wages contribute to this crisis.



The state of Montana General Fund not attributable to the bed tax paid by nursing homes pays only about 25% of the cost of nursing home care. For most Medicaid services, the state pays about 34% of the cost. For nursing homes, it is substantially less because of two factors: (1) the patient pays a considerable portion

because all but \$50 per month of their income is used to pay for their own care; and (2) nursing homes pay a utilization fee (or bed tax) of \$8.30 per day on all patient days (not just Medicaid) which raises about \$12 M to use as state match instead of using state general funds.

Nursing homes pay a "bed tax"

to help fund nursing home care. Nursing homes pay a provider tax to help fund Medicaid rates. Total provider tax paid by nursing homes amounts to about \$12 M annually. This money is used - instead of other state general funds or special funds - to match federal funds used to reimburse nursing homes. Nursing homes have paid this tax since 1992 to help assure the adequacy of Medicaid rates.

Counties with nursing homes also help fund Medicaid rates for nursing homes through the intergovernmental transfer (IGT) program.

Counties provide funding to the state and the funds are used to match with federal funds to enhance Medicaid payments to nursing homes. About \$600,000 from the IGT program are diverted from the lump sum payments to nursing homes and are used instead to support the base rates in the nursing home and community services programs. Changes at the federal level limited this program in ways that make it difficult for some counties to fully participate. After the federal changes, funds available through this program have fluctuated wildly—with payment being as low as \$2 per patient day to non-county facilities and \$5 per day to county facilities and as high as about \$9 per day to non-counties and \$18 to counties. IGT funding is paid as a lump sum payment toward the end of the fiscal year. An example of the fluctuation is that the FY 15 funding was \$8.82 per day non county and in FY 16 that dropped to \$6.97 per day non-county. The fluctuation is the same for counties. These payments are considered one time only (OTO) funds and are not a reliable funding source for ongoing expenses.

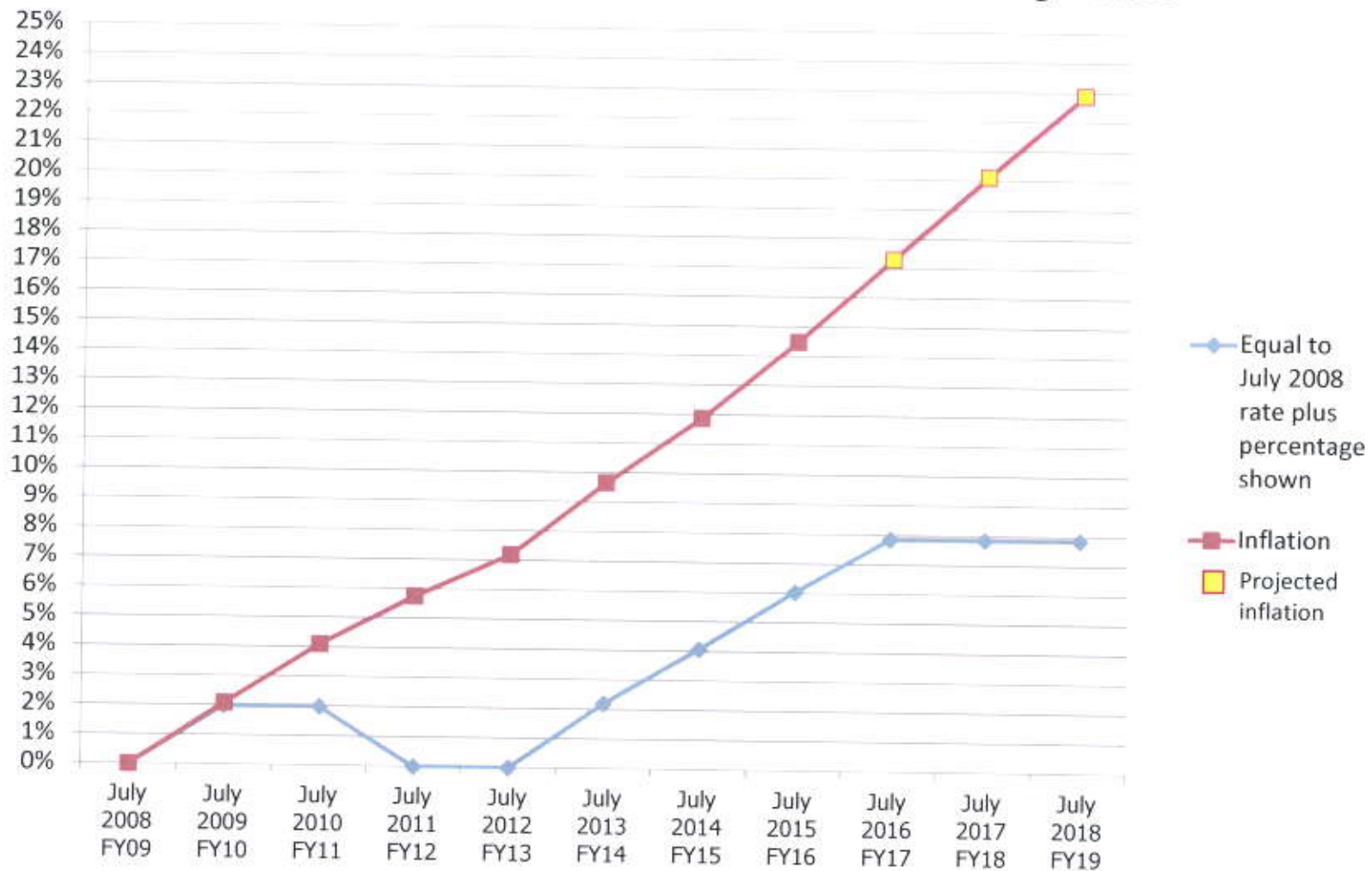
TOTAL AVERAGE RATE*		\$176.06
Paid by patient	31.62	(18.0%)
Paid by nursing home bed tax in state special revenue fund and by bed tax deposited in general fund	11.88	(6.7%)
Paid by State General Fund (non-bed tax)	38.32	(21.8%)
Paid by Federal government	94.24	(53.5%)

The state knows what it takes to operate a nursing home that provides high quality of care. The state operates a nursing home in Columbia Falls. The budget for that facility has been increased to account for increased costs and the need for more staff to care for patients whose care needs continue to increase. The state is doing the right thing in that facility - they are providing excellent care. But, the state spends between \$260 and \$300 per day of care in its own nursing home, while asking other nursing homes to do the job for \$176 per day. The state consistently recognizes the factors contributing to increased costs at the state facility while ignoring the same pressures experienced by private businesses. Over the years, the executive has asked for double digit increases for the state-run nursing home while providing 2% per year (and sometimes less) to private nursing homes. This simply doesn't make sense.

State agencies receive inflationary increases as part of "current level". Government agencies receive inflationary increases as part of "current level" - to account for cost increases they know are coming - while those in the private sector have nothing for inflation in our current level appropriations.



Medicaid Rate Increases vs Inflation - Nursing Homes



Inflation source: Global Insight - Healthcare Cost Review, Second Quarter 2016 Publication Skilled Nursing Facility Total Market Basket, (Calendar year 2010=1.0) (Table 6.6CY) and Myers and Stauffer



EXHIBIT 2
DATE 3/23/2017
HB 618

36 S. Last Chance Gulch, Suite A • Helena, MT 59601 • Telephone 406 443 2876 • Fax 406 443 4614 • E-mail info@mthealthcare.org

HOUSE APPROPRIATIONS COMMITTEE

HOUSE BILL 618 NURSING HOME USER FEE INCREASE

For the record, I am Rose Hughes, Executive Director of the Montana Health Care Association. I am offering this testimony on behalf of our member nursing homes throughout the state of Montana.

We are here to talk to you about House Bill 618 and the need for adequate funding of nursing home services for Medicaid beneficiaries. Because Medicaid funds over 60% of all nursing home services, it is the single largest source of revenue to our facilities. This means that our Medicaid rates dictate the quality of services we can provide to the elderly in our care. Our Medicaid rates dictate how many staff we can hire, what we can pay them, and how much training we can provide. Our Medicaid rates are not sufficient to fund the quality of care government regulators demand or that we, ourselves, want for our loved ones. This means we will continue to shift Medicaid costs to our private pay patients. Of course, the more we shift costs to these people, the sooner they spend down their assets and become eligible for Medicaid.

Cost vs. Rate. The Medicaid program pays nursing homes less than the actual allowable costs—as defined by DPHHS—for caring for each Medicaid beneficiary. And, those patients who pay for their own care pay more than the cost of care—to make up for what Medicaid doesn't pay. For the current fiscal year, the numbers are:

Average Medicaid rate:	\$176.06 per day
Average cost per day:	\$210.00 per day
Average loss per day on Medicaid:	\$ 34.06 per day

HB contains no additional funding beyond the \$176.00 currently being paid. If we do nothing, the difference between cost and rate will continue to increase.

New regulations. The federal government imposed new regulations on nursing homes effective in November of 2016. According to the regulatory agency, those regulations will cost each facility about \$62,500 the first year and slightly less thereafter. Their estimate is low, but even assuming it is correct, nursing homes in Montana will spend about \$5M annually to comply with these new regulations.

Critical need for Medicaid to pay its fair share of the cost of care. Montana's nursing homes are struggling to provide good care and keep their doors open. They are coping with a staffing shortage of crisis proportions and face other numerous challenges which make it more

important than ever that Medicaid pay the cost of care for Medicaid beneficiaries.

State's financial condition / Need for solution. The state's financial condition means that it is unlikely that there will be state general funds available to provide additional nursing home rate increases over the next biennium. HB 618 is intended to help pay for the new regulations and potentially to help close the widening gap between the cost of care and what Medicaid pays.

What does HB 618 do? The key provisions of this bill are:

1. The utilization fee increases by \$1.20 (from \$8.30 per nursing home bed day to \$9.50 per bed day) effective July 1, 2017.
2. The utilization fee increases by an additional \$1.00 (from \$9.50 to \$10.50 per bed day) effective July 1, 2018
3. Distribution of the user fee will continue as it is currently – with \$2.80 of the fee going to the state general fund to be used to maintain the current base rate paid to nursing homes. The balance of the current fee (\$5.50) is deposited in a special revenue account to maintain the current rate.
4. The proposed fee increases (\$2.20 over the biennium) will go to the state special revenue account to be used only to increase Medicaid rates to nursing facilities above current rates.
5. The money in the special revenue account as well as the federal matching funds are appropriated to the Department of Public Health and Human Services to be used to fund increases in Medicaid payments to nursing facilities. Only the new fee increases are appropriated in HB 618 - all current fees are appropriated through HB 2.
6. If the money in the special revenue account exceeds the amounts appropriated in the bill, the money remaining in the account may not be expended or transferred for any other purpose and will be available to be appropriated by a subsequent legislative session for rate increases to nursing homes.
7. A nursing facility may not place the user fee on a patient's bill.

The original purpose of the nursing home user fee—as stated in the statement of intent that was included in the original legislation in 1991—was to “relieve privately paying individuals in nursing homes from the burden of costs shifted from the Medicaid program and to maximize federal funding of this program.” Increasing this fee at this time and using it for rate increases to nursing homes is totally consistent with the purpose for which this fee was created.

We urge you to support HB 618.

March 23, 2017

Montana State Legislature

65th Montana Legislature - 2017

ADDITIONAL DOCUMENTS

Business Report

Signed by Chairman

Roll Call

Attendance

Standing Committee Reports

Tabled Bills

Fiscal Reports

Roll Call Votes

Proxy Forms

Visitor Registration

Additional Documents

Witness Statements that are not presented as exhibits. All informational items handed in after meeting. Petitions; etcetera.

- Any documents which were submitted after the committee hearing has ended and/or was submitted late within 24 hours regarding information in the committee hearing.

YOU MAY VIEW THE ORIGINAL DOCUMENTS

AT THE MONTANA HISTORICAL SOCIETY

MONTANA HISTORICAL SOCIETY ARCHIVES

225 N. ROBERTS

HELENA, MT 59620-1201

2017 LEGISLATIVE SESSION

E-DOCUMENT SPECIALIST: SUSIE HAMILTON

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
65th LEGISLATURE - REGULAR SESSION**

HOUSE APPROPRIATIONS COMMITTEE

Date: Thursday, March 23, 2017

Place: Capitol

Time: 3:00 P.M.

Room: 102

BILLS and RESOLUTIONS HEARD:

HB 365 - Revise underground utility laws - Rep. Ray Shaw

HB 550 - Revise laws related to corporate loss carryback and carryforward - Rep. Jeff Essmann

HB 558 - Revise tax rates to mitigate reappraisal - Rep. Greg Hertz

HB 618 - Increase nursing home bed tax for nursing home rate increases - Rep. Nancy Ballance

EXECUTIVE ACTION TAKEN: None

Comments:


REP. Nancy Ballance, Chair



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL

DATE: 3/23/2017 P.M.

NAME	PRESENT	ABSENT/EXCUSED
REP. RANDY BRODEHL, VICE CHAIR	✓	
REP. KELLY MCCARTHY, VICE CHAIR	✓	
REP. MIKE HOPKINS	✓	
REP. KENNETH HOLMLUND	✓	
REP. MARILYN RYAN	✓	
REP. RYAN LYNCH	✓	
REP. JON KNOKEY	✓	
REP. ROB COOK	✓	
REP. BRAD HAMLETT	✓	
REP. RAE PEPPERS	✓	
REP. DAN BARTEL	✓	
REP. TOM BURNETT	✓	
REP. BRAD TSCHIDA	✓	
REP. MIKE CUFFE	✓	
REP. JANET ELLIS	✓	
REP. TOM WOODS	✓	
REP. DONALD JONES	✓	
REP. JIM KEANE	✓	
REP. KIMBERLY DUDIK		✓
REP. JIMMY PATELIS	✓	
REP. CARL GLIMM	✓	
REP. NANCY BALLANCE, CHAIR	✓	

22 MEMBERS

**MONTANA House of Representatives
Visitors Register
HOUSE APPROPRIATIONS COMMITTEE**

Thursday, March 23, 2017

HB 618 - Increase nursing home bed tax for nursing home rate increases

Sponsor: **Rep. Nancy Ballance**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**MONTANA House of Representatives
Visitors Register
HOUSE APPROPRIATIONS COMMITTEE**

Thursday, March 23, 2017

HB 365 - Revise underground utility laws

Sponsor: **Rep. Ray Shaw**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**MONTANA House of Representatives
Visitors Register
HOUSE APPROPRIATIONS COMMITTEE**

Thursday, March 23, 2017

HB 550 - Revise laws related to corporate loss carryback and carryforward

Sponsor: Rep. Jeff Essmann

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**MONTANA House of Representatives
Visitors Register
HOUSE APPROPRIATIONS COMMITTEE**

Thursday, March 23, 2017

HB 558 - Revise tax rates to mitigate reappraisal

Sponsor: Rep. Greg Hertz

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

OFFICE OF THE GOVERNOR
STATE OF MONTANA



STEVE BULLOCK
GOVERNOR

MIKE COONEY
LT GOVERNOR

ADDITIONAL
DOCUMENTS

MEMO

TO: Representatives Burnett and Cook
Members of the House Appropriations Committee

FROM: Amy Sassano *A. Sassano*
Deputy Budget Director

RE: State Employee Salary Information

DATE: March 21, 2017

During the hearing on HB 13 in the House Appropriations Committee, salary and associated benefits information for state employees (with and without vacancy savings included) was requested. The following provides the requested information.

- Salary and Benefits (not health insurance) for fully funding base HB 2 positions [This would fund all positions for the full year¹]
 - FY 2018: \$771,565,996
 - FY 2019: \$774,117,953
- Salary and Benefits (not health insurance) as proposed in the Executive Budget. This includes 4% vacancy savings. [This would fund 96% of the positions for the full year¹]
 - FY 2018: \$742,717,375
 - FY 2019: \$745,180,062
- Salary and Benefits (not health insurance) as currently funded in HB 2. This includes 6% vacancy for agencies except DPHHS which has 8% vacancy savings applied. [This would fund 94% of the positions for the full year except DPHHS which would have 92% of their positions funded for the full year¹]
 - FY 2018: \$724,942,809
 - FY 2019: \$727,347,355

¹ Vacancy Savings can be explained (using 4% as an example) as funding 96% of positions for the full year or funding all of the positions in an agency at 96% of their cost for the full year. Further, for clarification, the vacancy savings discussed is applied only to executive branch agencies with greater than 20 FTE. There is currently no vacancy savings assessed to the Legislative Branch, the Judicial Branch, or Executive Branch agencies with less than 20 FTE.

OFFICE OF THE GOVERNOR
STATE OF MONTANA



STEVE BULLOCK
GOVERNOR

MIKE COONEY
LT GOVERNOR

ADDITIONAL
DOCUMENTS

MEMO

TO: Representative Glimm
Members of the House Appropriations Committee

FROM: Amy Sassano *A. Sassano*
Deputy Budget Director

RE: Personal Services Contingency Funds

DATE: March 21, 2017

During the hearing on HB 13 in the House Appropriations Committee, historical information on the use of personal services contingency funds was requested. The following provides the requested information.

2019 Biennium: HB 13 requests the following appropriations:

	Appropriation
General Fund	\$1,000,000
State Sp Rev	\$300,000
Fed Sp Rev	\$100,000
Prop	\$25,000

2017 Biennium: HB 2 included funding for personal services contingencies. Distributions are shown through March 21, 2017. The remainder of general fund is anticipated to be distributed before fiscal year end 2017.

	Appropriation	Allocated YTD
General Fund	\$1,000,000	\$625,862
State Sp Rev	\$600,000	\$0
Fed Sp Rev	\$125,000	\$22,235
Prop	\$25,000	\$0

2015 Biennium: HB 13 included funding for personal services contingencies. Distributions are shown for the biennium.

	Appropriation	Allocated
General Fund	\$1,000,000	\$980,307
State Sp Rev	\$600,000	\$334,940
Fed Sp Rev	\$125,000	\$0
Prop	\$25,000	\$25,000

If you have additional questions, please let me know.

Huff, Andy

From: Bush, Tom <Tom.Bush@fema.dhs.gov>
Sent: Tuesday, June 12, 2012 6:25 PM
To: Kurt Markegard
Cc: Thennis, Tim; Baird, Charley; Janes, John
Subject: RE: City of Laurel Alternatives for FEMA assistance

Kurt,
Answers to your inquiry are below in red

From: Kurt Markegard [mailto:kmarkegard@laurel.mt.gov]
Sent: Tuesday, June 12, 2012 10:40 AM
To: Bush, Tom
Cc: Baird, Charley; Heidi Jensen; City Mayor; Jeremlah Theys; Chad Hanson; Bill Kennedy; Person, Andrew (Baucus); Gray, Spencer (Baucus)
Subject: City of Laurel Alternatives for FEMA assistance

Mr. Bush,

I am writing this email with a request for a final determination of the project worksheets in order for the city to move forward with emergency plans on maintaining a water supply to the City of Laurel. The City Council is being asked by city staff to approve further task orders for engineering services in order to deal with the continuing effects of the 2011 flood.

The additional task orders for engineering services will help determine the possible actions the city could consider in order to maintain a river flow over the City of Laurel's intake structure. The Council will also be asked to hire Great West Engineering to come up with a feasibility study in order to replace the intake structure due to the Yellowstone River migration. These task orders are the direct result of the conference call that took place on June 5th, 2012 which you indicated that the City had shown that a "loss of function" did occur with the proper documentation as requested. I cannot keep recommending spending city funds for engineering services unless I have confirmation that these costs will be reimbursable by FEMA.

It is my understanding from the conference call of June 5, 2012 that the city's options are as follows;

1. FEMA is working a project worksheet to fund repairs to the levee. This worksheet only includes sloping the river bank back at a 4 to 1 slope in its current location. The work would include adding compacted soil to a suitable elevation that reflects the prior flood conditions. River rock would be placed from the toe of the slope to the top elevation on the reconstructed bank. Included in the worksheet would be the relocation of the utilities which include the water distribution line and the power and phone lines.

Will the city be able to appeal the determination or use the funds in conjunction with other funding in order to fix the river bank to today's best engineering principles? Yes, every determination made by FEMA may be appealed. You have 60 days following the receipt of the Project Worksheet to file an appeal with the state. The state in-turn forwards the appeal to FEMA.

Allowing future erosion just really isn't an option. Will the engineering work to date be reimbursed? Those engineering costs that were competitively bid, that are found to be reasonable, and are associated with eligible work as defined in an approved project worksheet are reimbursable.

2. FEMA is allowing the city to prepare and execute emergency procedures for maintaining river flows on the city's water intake structure. Those prudent temporary emergency measures required to maintain adequate flow over the existing intake structure would be eligible. All appropriate permits for executing this work must be obtained.
3. FEMA has determined that the currently used water intake has been compromised by the channel migration cause by the 2011 floods and will fund a new water supply intake. This option will be lengthy as the city has just been informed of FEMA's pending determination and will need time to determine the best possible intake alternatives. We understand

I am sure you are aware that FEMA's determination for damages does not provide for the best alternatives to be constructed. The Yellowstone River bank downstream of the bridges needs to be armored in order to prevent erosion from continuing into the future. In the last week I have had to move the small historical cabin for the second time as well as recognizing that the river erosion has exposed the water distribution line for Riverside Park. This river erosion has put all uses of the park in jeopardy due to the fact that the city may not be able to supply potable water to the buildings in the Park. I also need the water line to irrigate all of the grass in the park we will need to either cover and armor the bank immediately or replace the water line further back in the park. Because we have just been made aware of the threat to the water line and other utilities, FEMA is now able to provide revetment along that portion of the park to protect the water line. John Janes (FEMA) of our Denver office has been in active discussions with your engineer on June 11 and 12 to discuss reasonable solutions for the restoration of the water line and bank. At this time it would appear that utilizing the previous design for embankment and revetment could simply be used at the current bank location would be the most expedient. We are currently reviewing that previous design. An issue may be the use of 52 inch stone in lieu of 36 to 42 inch unless costs associated with the larger stone is more cost effective. The challenge for this work will be the ability to obtain permits from USFWS, USACE, DNRC, and others. Permits may require that this be constructed in the dry that add significantly to costs.

I would also like you to know that the frustration that local officials have expressed in the past was in part to the belief that FEMA would be helpful not only in recovering from the 2011 flood but also preparing for the best flood protection in the future. I have read FEMA's mission statement and I am disappointed that FEMA's policies are not as clear as it's assumed mission.

Your city has a very unique situation with the water intake structure that has not been physically damaged and continues to function as of this very moment. We have been extremely flexible in exploring different solutions to help the city through the "loss of function". No other FEMA Region in the country offers this alternative justification to fund facilities that are physically undamaged. It is only through the tireless efforts of dedicated staff in the Denver office who explore each and every law, regulation and guidance document nuance to find that small but significant avenue to help people in your situation. We continue in that effort to do absolutely everything we can. I have asked Charley Baird to set up a conference call with your staff and the state to discuss this further tomorrow (June 12). I am looking forward to our discussions.

FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.

Please let me know if my assumed statements are correct so that I can help direct our efforts in dealing with the 2011 flood.

Thank you,

Kurt Markegard

LAUREL INTAKE TIMELINE

2011 – April/May	Flooding on the Yellowstone River impacts water level at intake.
2012	Laurel hires Great West Engineering to prepare report(s) with Alternatives to upgrade the intake with a cost analysis for each alternative.
2014 – March	Engineering Report completed with cost of each alternative.
2014 – March	DES informs Laurel that project costs related to the water intake pipe should be funded from sources other than the disaster fund. Recommends TSEP, RRGL, SRF.
2014 – May	OBPP encourages Laurel to apply for TSEP, RRGL, SRF.
2014 – June	Laurel applies for TSEP, RRGL and SRF funding, but not for the water intake pipe. Applications are for the replacement of the sedimentation basin, sludge removal, a water pumping station, and to relocate a booster station.
2014 – August	City of Laurel writes to Senator Tester complaining of the State declining to use the disaster fund for the 25% share not covered by FEMA.
2014 – September	Laurel applies to receive FEMA funds for the water intake project. Cost estimate \$9,096,544. (75% Federal 25% Nonfederal).
2014 – October	FEMA approves the water intake project.
2015 – Legislative Session	Funding for Laurel sedimentation basin project included in HB 5. The infrastructure bonding bill supported by the Governor's Office (SB 416), which included funding for the Laurel intake project, failed in the House of Representatives.
2015 – May	Conference call to assist Laurel with financing the water intake project and water basin sedimentation project.
2015 – June	Governor's Budget Office works with Laurel on a funding package for the water intake project, which includes Coal Board, Commerce, and DNRC loan and grant funding. Laurel did not apply for these funds.
2015 – June	Agencies and Governor's Budget Office attempt to find alternative funding, including Big Sky Trust Fund and CDBG funding. However, the requirements of these programs do not fit the Laurel situation.
2015 – July	DNRC staff analyzes the City of Laurel's financials to determine whether it can afford an SRF loan for the 25% nonfederal share.

2015 – July	Commerce contacts Laurel to encourage a Coal Board application. Commerce prepares an application for the City to submit. Laurel misses the August 11 th deadline. Commerce informs Laurel their application will now be considered at the December meeting.								
2015 – August	DNRC and DEQ continue to assess whether the water intake project meets the requirements for an SRF loan. DNRC develops special loan structure for Laurel to eliminate rate increase.								
2015 – October	The Governor's Office and DNRC meet with Laurel to propose a loan package for the water intake funding.								
2015 – November	Laurel submits a loan application to the SRF loan program.								
2015 – November	Loan Application made to DNRC – Estimated cost.								
	<table> <tr> <td>Loan</td><td>\$ 1,734,732 – State Revolving Fund</td></tr> <tr> <td>City</td><td>\$ 1,000,000</td></tr> <tr> <td>FEMA</td><td><u>\$ 8,099,194</u></td></tr> <tr> <td>Total Cost</td><td><u>\$ 10,833,926</u></td></tr> </table>	Loan	\$ 1,734,732 – State Revolving Fund	City	\$ 1,000,000	FEMA	<u>\$ 8,099,194</u>	Total Cost	<u>\$ 10,833,926</u>
Loan	\$ 1,734,732 – State Revolving Fund								
City	\$ 1,000,000								
FEMA	<u>\$ 8,099,194</u>								
Total Cost	<u>\$ 10,833,926</u>								
2015 – December	Loan approval by DNRC.								
2015 – December	Coal Board informs Laurel it has no funding left for the fiscal year, but that it would consider Laurel's application in June 2016.								
2016 – May	Laurel applies for TSEP and RRGL funding for projects related to the old water intake (under the selected alternative, there will be a new water intake located three miles upstream, and the old water intake will be lowered. With two intakes, there is greater protection in the overall system from failure if one intake stops functioning).								
2016 – May/June	DNRC works with Laurel's bond counsel and finalizes overall funding package: \$1.7 million in SRF loans; \$1.3 million cash from the City, and \$7.59 million in FEMA funding. Contract bids open for the water pipe and intake project.								
2016 – June	Coal Board declines to fund the Laurel water project.								
2016 – July	Construction begins.								
2016 – November	Deliver loan funds of \$1,700,000 as requested by Laurel from the DNRC State Revolving Fund Loan Program. The interest rate is 2 ½% for 20 years.								
2017 – April	Estimated construction completion date.								

Laurel Projects

PW1679-0 and 1 Engineering

Water Intake
\$728,395.00

PW1679-3 Construction

Water Intake
\$8,337,246.00

Total PW
\$9,065,641

Invoice	Amount
Great West 10099	\$602.00
Great West 10389	\$616.00
Great West 10508	\$9,664.00
Great West 10578	\$11,478.83
Great West 10661	\$21,730.10
Great West 10757	\$3,089.03
Great West 10809	\$6,923.60
Great West 10931	\$10,940.10
Great West 11015	\$10,080.75
Great West 11137	\$5,028.30
Great West 11349	\$1,048.50
Great West 11486	\$6,068.02
Great West 11613	\$2,948.53
Great West 11669	\$4,319.50
Great West 11766	\$9,078.70
Great West 11908	\$30,075.25
Great West 12009	\$11,026.51
Great West 12109	\$11,469.80
Great West 12198	\$6,758.25
Great West 12362	\$2,711.00
Great West 12423	\$5,698.46
Great West 12593	\$5,987.00
Great West 12732	\$1,181.41
Great West 12883	\$28,360.69
Great West 13001	\$45,194.52
Great West 13186	\$18,936.50
Great West 13242	\$75,646.26
Great West 13342	\$17,921.33
Great West 13343	\$42,771.33

Invoices & Proof Payment
Received 8/2015



Great West 13344	\$8,747.75
Great West 13482	\$60,555.03
Great West 13577	\$47,531.70
Great West 13630	\$99,513.27
Great West 13804	\$94,789.13
Great West 13904	\$26,314.73
Great West 14038	\$21,473.33
Great West 14110	\$8,155.84
Great West 14237	\$32,998.60
Great West 14364	\$12,943.41
Great West 14464	\$16,998.08
Great West 14606	\$31,191.42
Great West 14807	\$125,818.95
Great West 14997	\$36,061.32
Great West 15029	\$4,572.15
Great West 15184	\$34,081.90
Great West 15262	\$54,530.75
Outlook legal notice	\$78.00
File Deed McCoy	\$49.00
McCoy Deed Recording	\$10.00
McCoy Easement	\$3,200.00
Howreys Easement	\$80.00
Howreys Purchase	\$76,500.00
CHS Easement	\$87.00
Electric Service Application	\$32,500.00
Billings Times	\$356.25
Laruel Outlook	\$280.00
Canyon Cr & Clarks For Ditch Co	\$118.00
Mitigation Credits	\$9,000.00
Outlook legal notice	\$168.00
Outlook legal notice	\$120.00
DEQ application	\$250.00
DEQ application	\$6,688.20
BNSF permit/insurance	\$8,150.00

Invoices & Proof Payment
Received 10/2016

Filing fee in Carbon Co	\$35.00
Filing fee in Yellowstone Co	\$35.00
Attorney fee	\$787.50
DNRC water right	\$700.00
DNRC real estate license	\$150.00
Scrivener Affidavit Carbon Co	\$38.00
Scrivener Affidavit Yellowstone Co	\$38.00
Harkus easment	\$19,400.00
Wilson Bros Construction 1	\$1,194,827.19
MT Dept of Revenue 1	\$12,068.96
Wilson Bros Construction 2	\$1,312,701.21
MT Dept of Revenue 2	\$13,259.61
Great West 15368	\$42,579.88
Great West 15479	\$61,710.99
Wilson Bros Construction 3	\$962,208.21
MT Dept of Revenue 3	\$9,719.27
Great West 15643	\$53,354.21
Wilson Bros Construction 4	\$1,369,855.88
MT Dept of Revenue 4	\$13,698.56
Wilson Bros Construction 5	\$361,248.60
MT Dept of Revenue 5	\$3,648.98
Wilson Bros Construction 4	\$645.42
MT Dept of Revenue 4	\$144.89
Wilson Bros Construction 6	\$119,552.95
MT Dept of Revenue 6	\$1,351.04
Great West 15708	\$21,813.51
Great West 15841	\$29,368.53

TOTAL

\$6,921,038.94

FEMA Paid 12/26/12 75%	\$84,150.00
State payment Dec 2012	\$28,050.00

Invoices & Proof Payment
Received 11/4/2016

Invoices & Proof Payment
Received 12/13/2016

Invoices & Proof Payment
Received 1/24/2017
Correction prev submission
memo 1/23/17

Invoices & Proof Payment
Received 3/1/2017

FEMA Paid 8/20/15 75%	\$308,991.56
Remaining 25% share	\$102,997.19
FEMA Paid 11/02/16 75%	\$2,468,338.35
Remaining 25% share	\$822,779.45
FEMA Paid 11/15/16 75%	\$807,163.76
Remaining 25% share	\$269,054.59
FEMA Paid 12/16/16 75%	\$1,077,681.49
Remaining 25% share	\$359,227.16
FEMA Paid 2/02/17 75%	\$274,265.92
Remaining 25% share	\$91,421.97
FEMA Paid 3/13/17 75%	\$192,206.87
Remaining 25% share	\$64,068.96

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: Chair Nancy Ballance, on March 27, 2017 at 3:30 P.M., in Room 102 Capitol

ROLL CALL

Members Present:

Rep. Nancy Ballance, Chair (R)
Rep. Randy Brodehl, Vice Chair (R)
Rep. Kelly McCarthy, Vice Chair (D)
Rep. Dan Bartel (R)
Rep. Tom Burnett (R)
Rep. Rob Cook (R)
Rep. Mike Cuffe (R)
Rep. Kimberly Dudik (D)
Rep. Carl Glimm (R)
Rep. Bradley Hamlett (D)
Rep. Kenneth L. Holmlund (R)
Rep. Mike Hopkins (R)
Rep. Donald W. Jones (R)
Rep. Jim Keane (D)
Rep. Jon A. Knokey (R)
Rep. Ryan Lynch (D)
Rep. Jimmy Patelis (R)
Rep. Marilyn Ryan (D)
Rep. Brad Tschida (R)
Rep. Tom Woods (D)

Members Excused:

Rep. Janet Ellis (D)
Rep. Rae Peppers (D)

Members Absent: None

Staff Present: Julie Johnson, Legislative Branch
Joe Triem, Legislative Branch
Sherri Row, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Executive Action on: HB 14; HB 46; HB 645; HB 639; HB 642; HB 647; HB 648; HB 650; HB 473; HB 511; HB 618; HB 638; HB 652; HB 658

00:01:42 Chair Ballance
00:04:27 Vice Chair McCarthy
00:04:38 Chair Ballance
00:04:55 Rep. Keane
00:05:17 Rep. Cook
00:05:21 Rep. Keane
00:05:31 Chair Ballance

00:05:57 Recessed
00:47:07 Reconvened - with Rep. Ryan excused and Rep. Peppers present

00:47:18 Chair Ballance

EXECUTIVE ACTION ON HB 46

00:47:35 **Motion/Vote:** Rep. Brodehl moved that **HB 46 BE TABLED**. Motion failed 11-11 by roll call vote with Rep. Ballance, Rep. Bartel, Rep. Brodehl, Rep. Burnett, Rep. Cuffe, Rep. Glimm, Rep. Holmlund, Rep. Hopkins, Rep. D. Jones, Rep. Knokey and Rep. Tschida voting aye. Rep. Ellis and Rep. Ryan voted by proxy.

00:49:34 **Motion:** Rep. Brodehl moved that **HB 46 DO PASS**.

Discussion:

00:49:40 Rep. Dudik
00:50:15 Rep. Ryan returned

00:51:10 **Vote:** Motion carried 12-10 by roll call vote with Rep. Ballance, Rep. Bartel, Rep. Brodehl, Rep. Burnett, Rep. Cook, Rep. Cuffe, Rep. Glimm, Rep. Hopkins, Rep. D. Jones and Rep. Tschida voting no. Rep. Ellis voted by proxy.

EXECUTIVE ACTION ON HB 14

00:52:59 **Motion/Vote:** Rep. Brodehl moved that **HB 14 BE TABLED**. Motion carried 18-4 by roll call vote with Rep. Ellis, Rep. Hamlett, Rep. Lynch and Rep. Woods voting no. Rep. Ellis voted by proxy.

EXECUTIVE ACTION ON HB 645

00:54:37 **Motion:** Rep. Brodehl moved that **HB 645 DO PASS**.

00:54:44 **Motion/Vote:** Rep. Keane moved that **HB 645 BE AMENDED**. Motion failed 10-12 by roll call vote with Rep. Dudik, Rep. Ellis, Rep. Hamlett, Rep. Hopkins, Rep. Keane, Rep. Lynch, Rep. McCarthy, Rep. Peppers, Rep. Ryan and Rep. Woods voting aye. Rep. Ellis voted by proxy.

[**EXHIBIT\(aph63b01\)**](#)

[**EXHIBIT\(aph63b02\)**](#)

00:57:40 **Motion/Vote:** Rep. Lynch moved that **HB 645 BE AMENDED**. Motion failed 9-13 by roll call vote with Rep. Dudik, Rep. Ellis, Rep. Hamlett, Rep. Keane, Rep. Lynch, Rep. McCarthy, Rep. Peppers, Rep. Ryan and Rep. Woods voting aye. Rep. Ellis voted by proxy.

EXHIBIT(aph63b03)

00:59:35 **Vote:** Motion failed 9-13 by roll call vote with Rep. Ballance, Rep. Cook, Rep. Cuffe, Rep. Hamlett, Rep. Holmlund, Rep. Hopkins, Rep. Knokey, Rep. Lynch and Rep. Ryan voting aye. Rep. Ellis voted by proxy.

01:01:23 **Motion/Vote:** Rep. Brodehl moved that **HB 645 BE TABLED**. Motion carried unanimously by voice vote. Rep. Ellis voted by proxy.

EXECUTIVE ACTION ON HB 642

01:02:04 **Motion/Vote:** Rep. Brodehl moved that **HB 642 DO PASS**. Motion carried unanimously by voice vote. Rep. Ellis voted by proxy.

EXECUTIVE ACTION ON HB 639

01:03:00 **Motion/Vote:** Rep. Brodehl moved that **HB 639 DO PASS**. Motion carried unanimously by voice vote. Rep. Ellis voted by proxy.

EXECUTIVE ACTION ON HB 648

01:04:05 **Motion:** Rep. Brodehl moved that **HB 648 DO PASS**.

01:04:07 **Motion:** Rep. Glimm moved that **HB 648 BE AMENDED**.

EXHIBIT(aph63b04)

Discussion:

01:05:03 Rep. Lynch
01:05:07 Rep. Glimm
01:05:33 Rep; Lynch
01:05:40 Chair Ballance
01:06:08 Kris Wilkenson, Legislative Fiscal Division (LFD)
01:07:15 Chair Ballance
01:07:41 Kris Wilkenson, LFD
01:07:59 Chair Ballance
01:08:17 Rep. Glimm
01:08:32 Kris Wilkenson, LFD
01:09:01 Vice Chair Brodehl
01:09:16 Rep. Glimm

01:09:42 **Vote:** Motion carried 15-7 by roll call vote with Rep. Dudik, Rep. Ellis, Rep. Lynch, Rep. McCarthy, Rep. Peppers, Rep. Ryan and Rep. Woods voting no. Rep. Ellis voted by proxy.

01:11:09 **Motion/Vote:** Rep. Brodehl moved that **HB 648 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Rep. Ellis voted by proxy.

EXECUTIVE ACTION ON HB 650

01:11:41 **Motion:** Rep. Brodehl moved that **HB 650 DO PASS.**

01:11:46 **Motion:** Rep. Dudik moved that **HB 650 BE AMENDED.**
EXHIBIT(aph63b05)

Discussion:

01:12:43 Vice Chair Brodehl

01:13:04 **Vote:** Motion failed 10-12 by roll call vote with Rep. Cuffe, Rep. Dudik, Rep. Ellis, Rep. Hamlett, Rep. Keane, Rep. Lynch, Rep. McCarthy, Rep. Peppers, Rep. Ryan and Rep. Woods voting aye. Rep. Ellis voted by proxy.

01:14:31 **Motion:** Rep. Hamlett moved that **HB 650 BE AMENDED.**
EXHIBIT(aph63b06)

Discussion:

01:15:27 Vice Chair Brodehl

01:15:35 Rep. Hamlett

01:16:26 Vice Chair Brodehl

01:17:53 Vice Chair McCarthy

01:18:40 Rep. Patelis

01:19:26 Rep. Hamlett

01:20:30 **Vote:** Motion failed 9-13 by roll call vote with Rep. Dudik, Rep. Ellis, Rep. Hamlett, Rep. Keane, Rep. Lynch, Rep. McCarthy, Rep. Peppers, Rep. Ryan and Rep. Woods voting aye. Rep. Ellis voted by proxy.

01:21:50 **Vote:** Motion carried 20-2 by voice vote with Rep. Hamlett and Rep. Keane voting no. Rep. Ellis voted by proxy.

EXECUTIVE ACTION ON HB 647

01:22:30 **Motion:** Rep. Brodehl moved that **HB 647 DO PASS.**

01:22:35 **Motion:** Rep. D. Jones moved that **HB 647 BE AMENDED.**
EXHIBIT(aph63b07)

Discussion:

01:23:14 Vice Chair McCarthy

01:23:45 Rep. Jones

01:25:04 Rep. Dudik

01:25:19 Rep. Jones

01:25:33 Rep. Hamlett

01:25:55 Rep. Keane

01:26:06 **Vote:** Motion carried 18-4 by roll call vote with Rep. Ellis, Rep. Hamlett, Rep. Lynch and Rep. Peppers voting no. Rep. Ellis voted by proxy.

01:27:30 Rep. Cuffe
01:28:31 Chair Ballance

01:28:36 **Motion/Vote:** Rep. Brodehl moved that **HB 647 DO PASS AS AMENDED**. Motion carried 21-1 by voice vote with Rep. Hamlett voting no. Rep. Ellis voted by proxy.

EXECUTIVE ACTION ON HB 473

01:29:21 **Motion/Vote:** Rep. Brodehl moved that **HB 473 DO PASS**. Motion carried 12-10 by roll call vote with Rep. Bartel, Rep. Brodehl, Rep. Burnett, Rep. Cuffe, Rep. Glimm, Rep. Hopkins, Rep. D. Jones, Rep. Lynch, Rep. Patelis and Rep. Tschida voting no. Rep. Ellis voted by proxy.

EXECUTIVE ACTION ON HB 511

01:31:20 **Motion/Vote:** Rep. Brodehl moved that **HB 511 DO PASS**. Motion carried 15-7 by roll call vote with Rep. Brodehl, Rep. Burnett, Rep. Glimm, Rep. Hopkins, Rep. D. Jones, Rep. Knokey and Rep. Tschida voting no. Rep. Ellis voted by proxy.

EXECUTIVE ACTION ON HB 618

01:33:04 **Motion/Vote:** Rep. Brodehl moved that **HB 618 DO PASS**. Motion carried 18-4 by voice vote with Rep. Bartel, Rep. Burnett, Rep. Glimm and Rep. Tschida voting no. Rep. Ellis voted by proxy.

EXECUTIVE ACTION ON HB 638

01:34:04 **Motion:** Rep. Brodehl moved that **HB 638 DO PASS**.

01:34:34 **Motion:** Rep. Ryan moved that **HB 638 BE AMENDED**.
[EXHIBIT\(aph63b08\)](#)

Discussion:

01:35:04 Rep. Cook
01:35:55 Rep. Ryan
01:36:43 Rep. Knokey

01:36:56 **Vote:** Motion carried 21-1 by voice vote with Rep. Cook voting no. Rep. Ellis voted by proxy.

01:37:30 **Motion/Vote:** Rep. Brodehl moved that **HB 638 DO PASS AS AMENDED**. Motion carried 18-4 by roll call vote with Rep. Ballance, Rep. Burnett, Rep. Glimm and Rep. Tschida voting no. Rep. Ellis voted by proxy.

EXECUTIVE ACTION ON HB 652

01:39:10 **Motion:** Rep. Brodehl moved that **HB 652 DO PASS.**

01:39:16 **Motion:** Rep. Cook moved that **HB 652 BE AMENDED.**
EXHIBIT(aph63b09)

Discussion:

01:40:26 Joe Triem, Legislative Fiscal Division (LFD)

01:40:26 **Vote:** Motion carried unanimously by voice vote. Rep. Ellis voted by proxy.

01:40:53 **Motion:** Rep. Brodehl moved that **HB 652 DO PASS AS AMENDED.**

Discussion:

01:41:07 Vice Chair McCarthy

01:42:04 Rep. Cook

01:42:25 Rep. Ryan

01:42:58 Rep. Keane

01:43:33 Rep. Cook

01:43:40 Chair Ballance relinquished the chair to Rep. Glimm

01:43:56 **Vote:** Motion carried 15-7 by roll call vote with Rep. Dudik, Rep. Ellis, Rep. Keane, Rep. Lynch, Rep. McCarthy, Rep. Peppers and Rep. Ryan voting no. Rep. Ballance and Rep. Ellis voted by proxy.

EXECUTIVE ACTION ON HB 658

01:45:39 **Motion:** Rep. Brodehl moved that **HB 658 DO PASS.**

Discussion:

01:45:46 Vice Chair McCarthy

01:46:27 **Vote:** Motion failed 8-14 by roll call vote with Rep. Dudik, Rep. Ellis, Rep. Hamlett, Rep. Lynch, Rep. McCarthy, Rep. Peppers, Rep. Ryan and Rep. Woods voting aye. Rep. Ballance and Rep. Ellis voted by proxy.

01:46:30 Rep. Ballance returned and assumed the Chair

01:48:07 **Motion/Vote:** Rep. Brodehl moved that **HB 658 BE TABLED.** Motion carried unanimously by voice vote. Rep. Ellis voted by proxy.

EXECUTIVE ACTION ON HB 550

01:49:03 **Motion/Vote:** Rep. Knokey moved that **HB 550 BE REMOVED FROM TABLE AS PREVIOUSLY AMENDED.** Motion carried 14-7 by roll call vote with Rep. Hamlett, Rep. Keane, Rep. Lynch, Rep. Patelis, Rep. Peppers, Rep. Ryan and Rep. Woods voting no. Rep. Ellis was excused.

01:51:16 Rep. Knokey
01:51:40 Rep. Keane
01:52:01 Chair Ballance
01:52:20 Rep. Knokey
01:53:15 Rep. Cook
01:53:49 Chair Ballance
01:53:57 Julie Johnson, Legislative Service Division (LSD)

01:54:11 **Motion:** Rep. Cook moved to **REMOVE AMENDMENT HB055001.AJJ.**

Discussion:

01:55:12 Julie Johnson, LSD
01:55:22 Rep. Woods
01:55:45 Chair Ballance
01:56:04 Rep. Keane
01:56:28 Chair Ballance
01:56:33 Rep. Keane
01:56:53 Chair Ballance
01:57:00 Julie Johnson, LSD
01:57:36 Rep. Hamlett
01:57:54 Chair Ballance
01:58:08 Rep. Bartel
01:58:39 Chair Ballance
01:59:36 Rep. Cook
02:00:58 Rep. Keane
02:01:08 Rep. Cook
02:01:42 Chair Ballance

02:01:50 **Vote:** Motion carried 14-8 by roll call vote with Rep. Dudik, Rep. Ellis, Rep. Keane, Rep. Lynch, Rep. McCarthy, Rep. Peppers, Rep. Ryan and Rep. Woods voting no. Rep. Ellis voted by proxy.

02:03:19 **Motion/Vote:** Rep. Brodehl moved that **HB 550 DO PASS.** Motion carried 13-9 by roll call vote with Rep. Brodehl, Rep. Dudik, Rep. Ellis, Rep. Keane, Rep. Lynch, Rep. McCarthy, Rep. Peppers, Rep. Ryan and Rep. Woods voting no. Rep. Ellis voted by proxy.

EXECUTIVE ACTION ON HB 107

02:04:54 **Motion/Vote:** Rep. Cuffe moved that **HB 107 BE REMOVED FROM TABLE.** Motion carried 21-0 by voice vote. Rep. Ellis was excused.

02:05:56 **Motion/Vote:** Rep. Brodehl moved that **HB 107 DO PASS.** Motion carried unanimously by voice vote. Rep. Ellis voted by proxy.

02:06:52 Chair Ballance

ADJOURNMENT

Adjournment: 02:07:58

Sherri Row, Secretary

sr

Additional Documents:

EXHIBIT([aph63bad.pdf](#))



65th Montana Legislature - 2017

ADDITIONAL DOCUMENTS

Business Report

Signed by Chairman

Roll Call

Attendance

Standing Committee Reports

Tabled Bills

Fiscal Reports

Roll Call Votes

Proxy Forms

Visitor Registration

Additional Documents

Witness Statements that are not presented as exhibits. All informational items handed in after meeting. Petitions; etcetera.

- Any documents which were submitted after the committee hearing has ended and/or was submitted late within 24 hours regarding information in the committee hearing.

YOU MAY VIEW THE ORIGINAL DOCUMENTS

AT THE MONTANA HISTORICAL SOCIETY

MONTANA HISTORICAL SOCIETY ARCHIVES
225 N. ROBERTS
HELEN, MT 59620-1201
2017 LEGISLATIVE SESSION
E-DOCUMENT SPECIALIST: SUSIE HAMILTON

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
65th LEGISLATURE - REGULAR SESSION**

HOUSE APPROPRIATIONS COMMITTEE

Date: Monday, March 27, 2017

Place: Capitol

Time: 3:30 P.M.

Room: 102

BILLS and RESOLUTIONS HEARD: None

EXECUTIVE ACTION TAKEN:

HB 14, HB 46, HB 645, HB 639, HB642, HB 647, HB 648, HB 650, HB 473, HB 511, HB 618,
HB 638, HB 652, HB 658

Comments:


REP. Nancy Ballance, Chair



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL

DATE: 3/27/2017 P.M.

NAME	PRESENT	ABSENT/EXCUSED
REP. RANDY BRODEHL, VICE CHAIR	✓	
REP. KELLY MCCARTHY, VICE CHAIR	✓	
REP. MIKE HOPKINS	✓	
REP. KENNETH HOLMLUND	✓	
REP. MARILYN RYAN	✓	
REP. RYAN LYNCH	✓	
REP. JON KNOKEY	✓	
REP. ROB COOK	✓	
REP. BRAD HAMLETT	✓	
REP. RAE PEPPERS		✓
REP. DAN BARTEL	✓	
REP. TOM BURNETT	✓	
REP. BRAD TSCHIDA	✓	
REP. MIKE CUFFE	✓	
REP. JANET ELLIS		✓
REP. TOM WOODS	✓	
REP. DONALD JONES	✓	
REP. JIM KEANE	✓	
REP. KIMBERLY DUDIK	✓	
REP. JIMMY PATELIS	✓	
REP. CARL GLIMM	✓	
REP. NANCY BALLANCE, CHAIR	✓	

22 MEMBERS



HOUSE STANDING COMMITTEE REPORT

March 27, 2017

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 46** (second reading copy -- yellow) **do pass**.

Signed: *Nancy Ballance*
Representative Nancy Ballance, Chair

- END -

Committee Vote:

Yes 12, No 10

Fiscal Note Required ☐

HB0046002SC.https

W 7:35 03-28-17



HOUSE STANDING COMMITTEE REPORT

March 27, 2017

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 639** (first reading copy -- white) **do pass**.

Signed: _____

Nancy Ballance
Representative Nancy Ballance, Chair

- END -

Committee Vote:

Yes 22, No 0

Fiscal Note Required ☐

HB0639001SC.htm

OW 7:35 03-28-17



HOUSE STANDING COMMITTEE REPORT

March 27, 2017

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 642** (first reading copy -- white) **do pass**.

Signed: _____

Nancy Ballance
Representative Nancy Ballance, Chair

- END -

Committee Vote:

Yes 22, No 0

Fiscal Note Required ☐

HB0642002SC.htm

CW 7:35 03-28-17



HOUSE STANDING COMMITTEE REPORT

March 27, 2017

Page 1 of 3

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 648** (first reading copy -- white) **do pass as amended.**

Signed: *Nancy Ballance*
Representative Nancy Ballance, Chair

And, that such amendments read:

1. Title, page 1, line 8 through line 9.

Strike: "DIRECTING" on line 8 through "APPROPRIATION;" on line 9

2. Title, page 1, line 10.

Strike: "17-7-502,"

3. Page 1, line 25 through page 2, line 6.

Strike: section 3 in its entirety

Renumber: subsequent sections

4. Page 3, line 24.

Following: "~~19-3-103~~"

Insert: "and is statutorily appropriated, as provided in 17-7-502, on July 1 each year to the trust fund for the public employees' retirement system defined benefit plan established pursuant to 19-3-103."

5. Page 4, line 6.

Following: "enhancement"

Insert: "; and

(iv) except as provided in subsection (11)(c), up to \$21 million to the public employees' retirement system defined benefit plan trust fund.

Committee Vote:

Yes 22, No 0

Fiscal Note Required ☐

HB0648002SC.https

CW 1:10 03-28-17

(c) If the legislative finance committee determines that the public employees' retirement board has failed to provide a sufficient report pursuant to 19-3-117, it shall recommend that \$5 million be subtracted from the amount allocated in subsection (11)(b)(iv) subject to legislative approval"

6. Page 5, line 13.

Strike: "All"

Insert: "Subject to subsection (11)(b), all"

7. Page 5, line 14.

Strike: "state"

Insert: "and is statutorily appropriated, as provided in 17-7-502, on July 1 each year to the trust fund for the public employees' retirement system defined benefit plan pursuant to 19-3-103.

(b) Except as provided in subsection (11)(c), up to \$24 million of the interest income from the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on July 1 each year to the public employees' retirement system defined benefit plan trust fund.

(c) If the legislative finance committee determines that the public employees' retirement board has failed to provide a sufficient report pursuant to 19-3-117, it shall recommend that \$5 million be subtracted from the amount allocated in subsection (11)(b) subject to legislative approval."

8. Page 5, line 24 through page 7, line 9.

Strike: section 6 in its entirety

Renumber: subsequent sections

9. Page 7, line 29.

Strike: "[section 4]"

Insert: "[section 3]"

10. Page 10, line 27 through line 29.

Strike: "(1) [Section 3]" on line 27 through "(2)" on line 29

11. Page 10, line 29.

Strike: "[Section 4]"

Insert: "[Section 3]"

12. Page 10, line 30.

Strike: "[section 4]"

Insert: "[section 3]"

13. Page 11, line 2 through line 7.

Strike: section 11 in its entirety

Renumber: subsequent sections

- END -



HOUSE STANDING COMMITTEE REPORT

March 27, 2017

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 650** (first reading copy -- white) **do pass**.

Signed: *Nancy Ballance*
Representative Nancy Ballance, Chair

- END -

Committee Vote:

Yes 20, No 2

Fiscal Note Required ☐

HB0650001SC.HTS

OW 7:40 03-28-17



HOUSE STANDING COMMITTEE REPORT

March 27, 2017

Page 1 of 2

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 647** (first reading copy -- white) **do pass as amended.**

Signed: *Nancy Ballance*
Representative Nancy Ballance, Chair

And, that such amendments read:

1. Page 27.

Following: line 17

Insert: "(3) The state general fund appropriation for each full-time equivalent resident student at a community college may not exceed the lesser of \$2,500 plus:

(a) the weighted average of state support per resident full-time equivalent student within the Montana university system; or

(b) the weighted average of state support per resident full-time equivalent student within the community college system.

(4) If enrollment for a community college is less than 200 full-time equivalent resident students for 24 consecutive academic months, the maximum state general fund appropriation for that community college may not exceed the lesser of:

(a) the weighted average of state support per resident full-time equivalent student within the Montana university system; or

(b) the weighted average of state support per resident full-time equivalent student within the community college system.

(5) At any time enrollment at a community college falls below 200 full-time equivalent resident students, the community college shall submit a business plan to the board of regents for review, approval, and monitoring. The business plan must include identifying what measures the community college will take to increase enrollment. The plan must be submitted to the board of regents within 1 month after enrollment falls below 200 full-time equivalent resident students."

Committee Vote:

Yes 21, No 1

Fiscal Note Required ☐

HB0647001SC.HTS

CWJ 7:40 03-28-17

Renumber: subsequent subsections

- END -



HOUSE STANDING COMMITTEE REPORT

March 27, 2017

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 473** (second reading copy - yellow) **do pass**.

Signed: *Nancy Ballance*
Representative Nancy Ballance, Chair

- END -

Committee Vote:

Yes 12, No 10

Fiscal Note Required ☐

HB0473002SC.https

ow 7:45 03-28-17



HOUSE STANDING COMMITTEE REPORT

March 27, 2017

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 511** (second reading copy - yellow) **do pass**.

Signed: *Nancy Ballance*
Representative Nancy Ballance, Chair

- END -

Committee Vote:

Yes 15, No 7

Fiscal Note Required ☐

HB0511002SC.https

CW 47:45 03-28-17



HOUSE STANDING COMMITTEE REPORT

March 27, 2017

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 618** (first reading copy -- white) **do pass**.

Signed: *Nancy Ballance*
Representative Nancy Ballance, Chair

- END -

Committee Vote:

Yes 18, No 4

Fiscal Note Required ☐

HB0618001SC.HTS



HOUSE STANDING COMMITTEE REPORT

March 27, 2017

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 638** (first reading copy -- white) **do pass as amended.**

Signed: *Nancy Ballance*
Representative Nancy Ballance, Chair

And, that such amendments read:

1. Page 1, line 25.

Following: "benefits"

Strike: "or a lump-sum payment"

- END -

Committee Vote:

Yes 18, No 4

Fiscal Note Required ☐

HB0638001SC.HTS

OW 7:45 03-28-17



HOUSE STANDING COMMITTEE REPORT

March 27, 2017

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 652** (first reading copy -- white) **do pass as amended.**

Signed: *Nancy Ballance*
Representative Nancy Ballance, Chair

And, that such amendments read:

1. Title, page 1, line 10.

Following: "DATES"

Insert: "AND A TERMINATION DATE"

2. Page 1, line 12 through line 16.

Strike: line 12 through line 16 in their entirety

3. Page 1, line 28.

Strike: "(1)"

4. Page 2, line 4 through page 6.

Strike: subsection (2) in its entirety

5. Page 3, line 27.

Insert: "NEW SECTION. **Section 9. Termination.** [This act] terminates June 30, 2023."

- END -

Committee Vote:

Yes 15, No 7

Fiscal Note Required ☐

HB0652001SC.hts

cw 1:50 03-28-17



HOUSE STANDING COMMITTEE REPORT

March 27, 2017

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 550** (second reading copy -
- yellow) **do pass**.

Signed: *Nancy Ballance*
Representative Nancy Ballance, Chair

- END -

Committee Vote:

Yes 13, No 9

Fiscal Note Required ☐

HB0550002SC.fts

OW 1:50 03-28-17



HOUSE STANDING COMMITTEE REPORT

March 27, 2017

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 107** (second reading copy - yellow) **do pass**.

Signed: *Nancy Ballance*
Representative Nancy Ballance, Chair

- END -

Committee Vote:

Yes 22, No 0

Fiscal Note Required ☐

HB0107002SC.HTS

aw 1:10 03-28-17



HOUSE STANDING COMMITTEE REPORT

March 24, 2017

Page 1 of 1

Mr. Speaker:

We, your committee on Human Services recommend that House Bill 649 (first reading copy -- white) do pass as amended.

Signed: _____

Kirk Wagoner
Representative Kirk Wagoner, Chair

And, that such amendments read:

1. Page 1.

Following: line 28

Insert: "(b) A violation under this section constitutes an unfair or deceptive trade practice under Title 30, chapter 14, part 1, and is subject to the penalties under 30-14-142."

Renumber: subsequent subsection

2. Page 1, line 29.

Following: "penalties"

Insert: "under subsection (4)(a)"

3. Page 1, line 30.

Following: "services."

Insert: "The fine and penalties issued under Title 30, chapter 14, part 1, must be deposited in a state special revenue account as provided for in 30-14-143."

- END -

Committee Vote:

Yes 15, No 0

Fiscal Note Required ☐

HB0649001SC.HTS

BILL TABLED NOTICE

HOUSE APPROPRIATIONS COMMITTEE

The HOUSE APPROPRIATIONS COMMITTEE TABLED

HB 14 - Bonding program - Rep. Jim Keane

HB 645 - Provide funding for capital and infrastructure projects statewide - Rep. Mike Cuffe

HB 658 - Revise lease-purchase laws regarding state buildings - Rep. Bradley Hamlett

by motion, on **Monday, March 27, 2017** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).


(For the Committee)


(For the Chief Clerk of the House)

6:20 / 03-27-17
(Time) (Date)

March 27, 2017 (6:04pm)

Sherri Row, Secretary

Phone: 444-1754



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 46

DATE 3/27/2017

MOTION Be Tabled

NAME	AYE	NO	PROXY
REP. RANDY BRODEHL, VICE CHAIR	✓		
REP. KELLY MCCARTHY, VICE CHAIR		✓	
REP. MIKE HOPKINS	✓		
REP. KENNETH HOLMLUND	✓		
REP. MARILYN RYAN		✓	✓
REP. RYAN LYNCH		✓	
REP. JON KNOKEY	✓		
REP. ROB COOK		✓	
REP. BRAD HAMLETT		✓	
REP. RAE PEPPERS		✓	
REP. DAN BARTEL	✓		
REP. TOM BURNETT	✓		
REP. BRAD TSCHIDA	✓		
REP. MIKE CUFFE	✓		
REP. JANET ELLIS		✓	✓
REP. TOM WOODS		✓	
REP. DONALD JONES	✓		
REP. JIM KEANE		✓	
REP. KIMBERLY DUDIK		✓	
REP. JIMMY PATELIS		✓	
REP. CARL GLIMM	✓		
REP. NANCY BALLANCE, CHAIR	✓		

22 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 46

DATE 3/27/2017

MOTION Do Pass

NAME	AYE	NO	PROXY
REP. RANDY BRODEHL, VICE CHAIR		✓	
REP. KELLY MCCARTHY, VICE CHAIR	✓		
REP. MIKE HOPKINS		✓	
REP. KENNETH HOLMLUND	✓		
REP. MARILYN RYAN	✓		
REP. RYAN LYNCH	✓		
REP. JON KNOKEY	✓		
REP. ROB COOK		✓	
REP. BRAD HAMLETT	✓		
REP. RAE PEPPERS	✓		
REP. DAN BARTEL		✓	
REP. TOM BURNETT		✓	
REP. BRAD TSCHIDA		✓	
REP. MIKE CUFFE		✓	
REP. JANET ELLIS	✓		✓
REP. TOM WOODS	✓		
REP. DONALD JONES		✓	
REP. JIM KEANE	✓		
REP. KIMBERLY DUDIK	✓		
REP. JIMMY PATELIS	✓		
REP. CARL GLIMM		✓	
REP. NANCY BALLANCE, CHAIR		✓	

22 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 14

DATE 3/27/2017

MOTION Be Tabled

NAME	AYE	NO	PROXY
REP. RANDY BRODEHL, VICE CHAIR	✓		
REP. KELLY MCCARTHY, VICE CHAIR	✓		
REP. MIKE HOPKINS	✓		
REP. KENNETH HOLMLUND	✓		
REP. MARILYN RYAN	✓		
REP. RYAN LYNCH		✓	
REP. JON KNOKEY	✓		
REP. ROB COOK	✓		
REP. BRAD HAMLETT		✓	
REP. RAE PEPPERS	✓		
REP. DAN BARTEL	✓		
REP. TOM BURNETT	✓		
REP. BRAD TSCHIDA	✓		
REP. MIKE CUFFE	✓		
REP. JANET ELLIS		✓	✓
REP. TOM WOODS		✓	
REP. DONALD JONES	✓		
REP. JIM KEANE	✓		
REP. KIMBERLY DUDIK	✓		
REP. JIMMY PATELIS	✓		
REP. CARL GLIMM	✓		
REP. NANCY BALLANCE, CHAIR	✓		

22 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB645

DATE 3/27/2017

MOTION Be Amended

HB064501.AJJ

NAME	AYE	NO	PROXY
REP. RANDY BRODEHL, VICE CHAIR		✓	
REP. KELLY MCCARTHY, VICE CHAIR	✓		
REP. MIKE HOPKINS	✓		
REP. KENNETH HOLMLUND		✓	
REP. MARILYN RYAN	✓		
REP. RYAN LYNCH	✓		
REP. JON KNOKEY		✓	
REP. ROB COOK		✓	
REP. BRAD HAMLETT	✓		
REP. RAE PEPPERS	✓		
REP. DAN BARTEL		✓	
REP. TOM BURNETT		✓	
REP. BRAD TSCHIDA		✓	
REP. MIKE CUFFE		✓	
REP. JANET ELLIS	✓		✓
REP. TOM WOODS	✓		
REP. DONALD JONES		✓	
REP. JIM KEANE	✓		
REP. KIMBERLY DUDIK	✓		
REP. JIMMY PATELIS		✓	
REP. CARL GLIMM		✓	
REP. NANCY BALLANCE, CHAIR		✓	

22 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 645

DATE 3/27/2017

MOTION Be Amended

HB 064502. AJJ

NAME	AYE	NO	PROXY
REP. RANDY BRODEHL, VICE CHAIR		✓	
REP. KELLY MCCARTHY, VICE CHAIR	✓		
REP. MIKE HOPKINS		✓	
REP. KENNETH HOLMLUND		✓	
REP. MARILYN RYAN	✓		
REP. RYAN LYNCH	✓		
REP. JON KNOKEY		✓	
REP. ROB COOK		✓	
REP. BRAD HAMLETT	✓		
REP. RAE PEPPERS	✓		
REP. DAN BARTEL		✓	
REP. TOM BURNETT		✓	
REP. BRAD TSCHIDA		✓	
REP. MIKE CUFFE		✓	
REP. JANET ELLIS	✓		✓
REP. TOM WOODS	✓		
REP. DONALD JONES		✓	
REP. JIM KEANE	✓		
REP. KIMBERLY DUDIK	✓		
REP. JIMMY PATELIS		✓	
REP. CARL GLIMM		✓	
REP. NANCY BALLANCE, CHAIR		✓	

22 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 645

DATE 3/27/2017

MOTION Do Pass

NAME	AYE	NO	PROXY
REP. RANDY BRODEHL, VICE CHAIR		✓	
REP. KELLY MCCARTHY, VICE CHAIR		✓	
REP. MIKE HOPKINS	✓		
REP. KENNETH HOLMLUND	✓		
REP. MARILYN RYAN	✓		
REP. RYAN LYNCH	✓		
REP. JON KNOKEY	✓		
REP. ROB COOK	✓		
REP. BRAD HAMLETT	✓		
REP. RAE PEPPERS		✓	
REP. DAN BARTEL		✓	
REP. TOM BURNETT		✓	
REP. BRAD TSCHIDA		✓	
REP. MIKE CUFFE	✓		
REP. JANET ELLIS		✓	✓
REP. TOM WOODS		✓	
REP. DONALD JONES		✓	
REP. JIM KEANE		✓	
REP. KIMBERLY DUDIK		✓	
REP. JIMMY PATELIS		✓	
REP. CARL GLIMM		✓	
REP. NANCY BALLANCE, CHAIR	✓		

22 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 648

DATE 3/27/2017

MOTION Be Amended

HB 064801.AJJ

NAME	AYE	NO	PROXY
REP. RANDY BRODEHL, VICE CHAIR	✓		
REP. KELLY MCCARTHY, VICE CHAIR		✓	
REP. MIKE HOPKINS	✓		
REP. KENNETH HOLMLUND	✓		
REP. MARILYN RYAN		✓	
REP. RYAN LYNCH		✓	
REP. JON KNOKEY	✓		
REP. ROB COOK	✓		
REP. BRAD HAMLETT	✓		
REP. RAE PEPPERS		✓	
REP. DAN BARTEL	✓		
REP. TOM BURNETT	✓		
REP. BRAD TSCHIDA	✓		
REP. MIKE CUFFE	✓		
REP. JANET ELLIS		✓	✓
REP. TOM WOODS		✓	
REP. DONALD JONES	✓		
REP. JIM KEANE	✓		
REP. KIMBERLY DUDIK		✓	
REP. JIMMY PATELIS	✓		
REP. CARL GLIMM	✓		
REP. NANCY BALLANCE, CHAIR	✓		

22 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB650

DATE 3/27/2017

MOTION Be Amended.

HB065003.AJJ

NAME	AYE	NO	PROXY
REP. RANDY BRODEHL, VICE CHAIR		✓	
REP. KELLY MCCARTHY, VICE CHAIR	✓		
REP. MIKE HOPKINS		✓	
REP. KENNETH HOLMLUND		✓	
REP. MARILYN RYAN	✓		
REP. RYAN LYNCH	✓		
REP. JON KNOKEY		✓	
REP. ROB COOK		✓	
REP. BRAD HAMLETT	✓		
REP. RAE PEPPERS	✓		
REP. DAN BARTEL		✓	
REP. TOM BURNETT		✓	
REP. BRAD TSCHIDA		✓	
REP. MIKE CUFFE	✓		
REP. JANET ELLIS	✓		✓
REP. TOM WOODS	✓		
REP. DONALD JONES		✓	
REP. JIM KEANE	✓		
REP. KIMBERLY DUDIK	✓		
REP. JIMMY PATELIS		✓	
REP. CARL GLIMM		✓	
REP. NANCY BALLANCE, CHAIR		✓	

22 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB650

DATE 3/27/2017

MOTION Be Amended

HB065005-AJS

NAME	AYE	NO	PROXY
REP. RANDY BRODEHL, VICE CHAIR		✓	
REP. KELLY MCCARTHY, VICE CHAIR	✓		
REP. MIKE HOPKINS		✓	
REP. KENNETH HOLMLUND		✓	
REP. MARILYN RYAN	✓		
REP. RYAN LYNCH	✓		
REP. JON KNOKEY		✓	
REP. ROB COOK		✓	
REP. BRAD HAMLETT	✓		
REP. RAE PEPPERS	✓		
REP. DAN BARTEL		✓	
REP. TOM BURNETT		✓	
REP. BRAD TSCHIDA		✓	
REP. MIKE CUFFE		✓	
REP. JANET ELLIS	✓		✓
REP. TOM WOODS	✓		
REP. DONALD JONES		✓	
REP. JIM KEANE	✓		
REP. KIMBERLY DUDIK	✓		
REP. JIMMY PATELIS		✓	
REP. CARL GLIMM		✓	
REP. NANCY BALLANCE, CHAIR		✓	

22 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB647

DATE 3/27/2017

MOTION Be Amended

HB0647002.AJS

NAME	AYE	NO	PROXY
REP. RANDY BRODEHL, VICE CHAIR	✓		
REP. KELLY MCCARTHY, VICE CHAIR	✓		
REP. MIKE HOPKINS	✓		
REP. KENNETH HOLMLUND	✓		
REP. MARILYN RYAN	✓		
REP. RYAN LYNCH		✓	
REP. JON KNOKEY	✓		
REP. ROB COOK	✓		
REP. BRAD HAMLETT		✓	
REP. RAE PEPPERS		✓	
REP. DAN BARTEL	✓		
REP. TOM BURNETT	✓		
REP. BRAD TSCHIDA	✓		
REP. MIKE CUFFE	✓		
REP. JANET ELLIS		✓	✓
REP. TOM WOODS	✓		
REP. DONALD JONES	✓		
REP. JIM KEANE	✓		
REP. KIMBERLY DUDIK	✓		
REP. JIMMY PATELIS	✓		
REP. CARL GLIMM	✓		
REP. NANCY BALLANCE, CHAIR	✓		

22 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 473

DATE 3/27/2017

MOTION Do Pass

NAME	AYE	NO	PROXY
REP. RANDY BRODEHL, VICE CHAIR		✓	
REP. KELLY MCCARTHY, VICE CHAIR	✓		
REP. MIKE HOPKINS		✓	
REP. KENNETH HOLMLUND	✓		
REP. MARILYN RYAN	✓		
REP. RYAN LYNCH		✓	
REP. JON KNOKEY	✓		
REP. ROB COOK	✓		
REP. BRAD HAMLETT	✓		
REP. RAE PEPPERS	✓		
REP. DAN BARTEL		✓	
REP. TOM BURNETT		✓	
REP. BRAD TSCHIDA		✓	
REP. MIKE CUFFE		✓	
REP. JANET ELLIS	✓		✓
REP. TOM WOODS	✓		
REP. DONALD JONES		✓	
REP. JIM KEANE	✓		
REP. KIMBERLY DUDIK	✓		
REP. JIMMY PATELIS		✓	
REP. CARL GLIMM		✓	
REP. NANCY BALLANCE, CHAIR	✓		

22 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 511

DATE 3/27/2017

MOTION Do Pass

NAME	AYE	NO	PROXY
REP. RANDY BRODEHL, VICE CHAIR		✓	
REP. KELLY MCCARTHY, VICE CHAIR	✓		
REP. MIKE HOPKINS		✓	
REP. KENNETH HOLMLUND	✓		
REP. MARILYN RYAN	✓		
REP. RYAN LYNCH	✓		
REP. JON KNOKEY		✓	
REP. ROB COOK	✓		
REP. BRAD HAMLETT	✓		
REP. RAE PEPPERS	✓		
REP. DAN BARTEL	✓		
REP. TOM BURNETT		✓	
REP. BRAD TSCHIDA		✓	
REP. MIKE CUFFE	✓		
REP. JANET ELLIS	✓		✓
REP. TOM WOODS	✓		
REP. DONALD JONES		✓	
REP. JIM KEANE	✓		
REP. KIMBERLY DUDIK	✓		
REP. JIMMY PATELIS	✓		
REP. CARL GLIMM		✓	
REP. NANCY BALLANCE, CHAIR	✓		

22 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 638

DATE 3/27/2017

MOTION Do Pass As Amended

NAME	AYE	NO	PROXY
REP. RANDY BRODEHL, VICE CHAIR	✓		
REP. KELLY MCCARTHY, VICE CHAIR	✓		
REP. MIKE HOPKINS	✓		
REP. KENNETH HOLMLUND	✓		
REP. MARILYN RYAN	✓		
REP. RYAN LYNCH	✓		
REP. JON KNOKEY	✓		
REP. ROB COOK	✓		
REP. BRAD HAMLETT	✓		
REP. RAE PEPPERS	✓		
REP. DAN BARTEL	✓		
REP. TOM BURNETT		✓	
REP. BRAD TSCHIDA		✓	
REP. MIKE CUFFE	✓		
REP. JANET ELLIS	✓		✓
REP. TOM WOODS	✓		
REP. DONALD JONES	✓		
REP. JIM KEANE	✓		
REP. KIMBERLY DUDIK	✓		
REP. JIMMY PATELIS	✓		
REP. CARL GLIMM		✓	
REP. NANCY BALLANCE, CHAIR		✓	

22 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 652

DATE 3/27/2017

MOTION Do Pass As Amended

NAME	AYE	NO	PROXY
REP. RANDY BRODEHL, VICE CHAIR	✓		
REP. KELLY MCCARTHY, VICE CHAIR		✓	
REP. MIKE HOPKINS	✓		
REP. KENNETH HOLMLUND	✓		
REP. MARILYN RYAN		✓	
REP. RYAN LYNCH		✓	
REP. JON KNOKEY	✓		
REP. ROB COOK	✓		
REP. BRAD HAMLETT	✓		
REP. RAE PEPPERS		✓	
REP. DAN BARTEL	✓		
REP. TOM BURNETT	✓		
REP. BRAD TSCHIDA	✓		
REP. MIKE CUFFE	✓		
REP. JANET ELLIS		✓	✓
REP. TOM WOODS	✓		
REP. DONALD JONES	✓		
REP. JIM KEANE		✓	
REP. KIMBERLY DUDIK		✓	
REP. JIMMY PATELIS	✓		
REP. CARL GLIMM	✓		
REP. NANCY BALLANCE, CHAIR	✓		✓

22 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 658

DATE 3/27/2017

MOTION Do Pass

NAME	AYE	NO	PROXY
REP. RANDY BRODEHL, VICE CHAIR		✓	
REP. KELLY MCCARTHY, VICE CHAIR	✓		
REP. MIKE HOPKINS		✓	
REP. KENNETH HOLMLUND		✓	
REP. MARILYN RYAN	✓		
REP. RYAN LYNCH	✓		
REP. JON KNOKEY		✓	
REP. ROB COOK		✓	
REP. BRAD HAMLETT	✓		
REP. RAE PEPPERS	✓		
REP. DAN BARTEL		✓	
REP. TOM BURNETT		✓	
REP. BRAD TSCHIDA		✓	
REP. MIKE CUFFE		✓	
REP. JANET ELLIS	✓		✓
REP. TOM WOODS	✓		
REP. DONALD JONES		✓	
REP. JIM KEANE		✓	
REP. KIMBERLY DUDIK	✓		
REP. JIMMY PATELIS		✓	
REP. CARL GLIMM		✓	
REP. NANCY BALLANCE, CHAIR		✓	✓

22 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 550

DATE 3/27/2017

MOTION Be Removed From Table

NAME	AYE	NO	PROXY
REP. RANDY BRODEHL, VICE CHAIR	✓		
REP. KELLY MCCARTHY, VICE CHAIR	✓		
REP. MIKE HOPKINS	✓		
REP. KENNETH HOLMLUND	✓		
REP. MARILYN RYAN		✓	
REP. RYAN LYNCH		✓	
REP. JON KNOKEY	✓		
REP. ROB COOK	✓		
REP. BRAD HAMLETT		✓	
REP. RAE PEPPERS		✓	
REP. DAN BARTEL	✓		
REP. TOM BURNETT	✓		
REP. BRAD TSCHIDA	✓		
REP. MIKE CUFFE	✓		
REP. JANET ELLIS			
REP. TOM WOODS		✓	
REP. DONALD JONES	✓		
REP. JIM KEANE		✓	
REP. KIMBERLY DUDIK	✓		
REP. JIMMY PATELIS		✓	
REP. CARL GLIMM	✓		
REP. NANCY BALLANCE, CHAIR	✓		

22 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 550

DATE 3/27/2017

MOTION Reconsider Action on Amendment HBC55001.AJT

NAME	AYE	NO	PROXY
REP. RANDY BRODEHL, VICE CHAIR	✓		
REP. KELLY MCCARTHY, VICE CHAIR		✓	
REP. MIKE HOPKINS	✓		
REP. KENNETH HOLMLUND	✓		
REP. MARILYN RYAN		✓	
REP. RYAN LYNCH		✓	
REP. JON KNOKEY	✓		
REP. ROB COOK	✓		
REP. BRAD HAMLETT	✓		
REP. RAE PEPPERS		✓	
REP. DAN BARTEL	✓		
REP. TOM BURNETT	✓		
REP. BRAD TSCHIDA	✓		
REP. MIKE CUFFE	✓		
REP. JANET ELLIS		✓	✓
REP. TOM WOODS		✓	
REP. DONALD JONES	✓		
REP. JIM KEANE		✓	
REP. KIMBERLY DUDIK		✓	
REP. JIMMY PATELIS	✓		
REP. CARL GLIMM	✓		
REP. NANCY BALLANCE, CHAIR	✓		

22 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 550

DATE 3/27/2017

MOTION Do Pass

NAME	AYE	NO	PROXY
REP. RANDY BRODEHL, VICE CHAIR		✓	
REP. KELLY MCCARTHY, VICE CHAIR		✓	
REP. MIKE HOPKINS	✓		
REP. KENNETH HOLMLUND	✓		
REP. MARILYN RYAN		✓	
REP. RYAN LYNCH		✓	
REP. JON KNOKEY	✓		
REP. ROB COOK	✓		
REP. BRAD HAMLETT	✓		
REP. RAE PEPPERS		✓	
REP. DAN BARTEL	✓		
REP. TOM BURNETT	✓		
REP. BRAD TSCHIDA	✓		
REP. MIKE CUFFE	✓		
REP. JANET ELLIS		✓	✓
REP. TOM WOODS		✓	
REP. DONALD JONES	✓		
REP. JIM KEANE		✓	
REP. KIMBERLY DUDIK		✓	
REP. JIMMY PATELIS	✓		
REP. CARL GLIMM	✓		
REP. NANCY BALLANCE, CHAIR	✓		

22 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED
COMMITTEE PROXY
65TH LEGISLATIVE SESSION

I request to be excused from the HOUSE APPROPRIATIONS Committee.

I desire to leave my proxy vote with Rep. McCarthy.

BILL	AYE	NO
TABLE HB44		✓
HB46	✓	
HB44-TABLE		✓
for HB645-A01.A5J	✓	
HB645-A02.A5J	✓	
HB645		✓
TABLE 645	✓	
HB642	✓	
HB639	✓	
HB648 A01.A5J		✓
HB648 as amended	✓	

BILL	AYE	NO
HB650 A003.A5J	✓	
HB650 A005.A5J	✓	
HB650	✓	
HB647 A02.A5J		✓
HB647	✓	
HB473	✓	
HB511	✓	
HB618	✓	
HB638 A01.A50	✓	
HB638	✓	
HB652 A01.A50	✓	

I authorize my vote to be matched with that of Rep. _____
for any amendments proposed on this date.

Rep. Janet Ellis
(Signature)

Date 27 MAR 2017

ELLIS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 65TH LEGISLATIVE SESSION

I request to be excused from the HOUSE APPROPRIATIONS Committee.

I desire to leave my proxy vote with Rep. McCarthy.

BILL	AYE	NO
HB 652		✓
HB 658	✓	
HB 658 - TABLE	✓	
HB 550 - OFF TABLE		
REUN HB 555 ADD 1. AS		✓
HB 550		✓
HB 107	✓	

BILL	AYE	NO

I authorize my vote to be matched with that of Rep. _____
for any amendments proposed on this date.

Rep. Janet Ellis
(Signature)

Date 27 MAR 2017



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 65TH LEGISLATIVE SESSION

I request to be excused from the Appropriations Committee.

I desire to leave my proxy vote with Rep. Brodehl.

BILL	AYE	NO
HB658		X
HB652 Amended	X	

BILL	AYE	NO

I authorize my vote to be matched with that of Rep. Brodehl
for any amendments proposed on this date.

Rep. J. L. Ballance
(Signature)

Date 3/27/17



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED
COMMITTEE PROXY
65TH LEGISLATIVE SESSION

I request to be excused from the HOUSE APPROPRIATIONS Committee.

I desire to leave my proxy vote with Rep. McCarthy.

BILL	AYE	NO
TABLE HB 416		✓
HB 416 <i>none</i>		

BILL	AYE	NO

I authorize my vote to be matched with that of Rep. Ryan
for any amendments proposed on this date.

Rep.

Manly Ryan
(Signature)

Date

27 Mar 2017

Montana State Legislature

2017 Session

NO VISITOR LOG

**The Committee Secretary
did not place a
Visitor Registration
document out for
signatures at this
meeting.**



**Montana Historical Society Archives
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CASCADE COUNTY

Board of County Commissioners
325 2nd Avenue North
Great Falls, MT 59401
Tel. 406.454.6810
Fax 406.454.6945
commission@cascadecountymt.gov
www.cascadecountymt.gov

March 24, 2017

House Appropriations Committee,
State Capitol, Room 101
Helena, MT 59620



Chairman Ballance and members of the House Appropriations Committee,

The Cascade County Board of County Commissioners request that in your examination of HB 650 you consider the long-standing contractual relationship between Cascade County and the State of Montana Department of Correction for the housing of Montana State Prison inmates at the Cascade County Adult Detention Center located in Great Falls.

The State of Montana and Cascade County have been contractual partners in the planning, construction and operations of this facility for over twenty years with the duties and responsibilities of each party to the other detailed in a legally binding contract. In particular Attachment "A" of this contract titled "MDOC Per Diem Calculation Worksheet for Regional Correctional Facilities" defines the method of calculation used to determine the reimbursement provided by the DOC to Cascade County.

In Section 10 of HB 650 on page 9, lines 21 and 22 amend Section 53-30-507, MCA, to: (4) For the biennium beginning July 1, 2017, the department may pay to a regional correctional facility no more than the rate it paid to that facility on November 15, 2016.

Passage of this bill with the inclusion of the aforementioned language would represent a unilateral change to the previously agreed to and contracted reimbursement rate. Neither party has the right under the terms of the contract to alter this rate; doing so would put the state in violation of the contract.

We would note that the current contract was executed in November of 2016 and runs through 2024. We do not believe that it would be appropriate for the legislature to take an action, which would require DOC to violate one of its standing contracts especially in light of the nature of this particular contract. This contract already requires an annual audit of expenses to insure that the rate paid is truly a reimbursement. It is not a profit center for the county.

Please do not place our long-term mutually beneficial relationship at risk via the passage of Section 9 (4) as a part of HB 650.

Thank you for your service to the state and your consideration of our concerns.


James L. Larson
Chairman
Cascade County Commission


Jane Weber
Commissioner


Joe Briggs
Commissioner

BOARD OF COUNTY COMMISSIONERS
CASCADE COUNTY COURT HOUSE ANNEX
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GREAT FALLS, MT 59401

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House Appropriations Committee,
State Capitol, Room 101
Helena, MT 59620

5962089999



ADDITIONAL
DOCUMENTS

MONTANA TRANSPORTATION BY THE NUMBERS:

Meeting the State's Need for Safe, Smooth and
Efficient Mobility

January 2017



Founded in 1971, TRIP® of Washington, DC, is a nonprofit organization that researches, evaluates and distributes economic and technical data on surface transportation issues. TRIP is sponsored by insurance companies, equipment manufacturers, distributors and suppliers; businesses involved in highway and transit engineering and construction; labor unions; and organizations concerned with efficient and safe surface transportation

Ten Key Transportation Numbers in Montana

\$874 million	The Montana Department of Transportation (MDT) estimates it will face an \$874 million average annual shortfall through 2021 in the investment level needed to make further progress in improving road, highway and bridge conditions; improving traffic safety; and, completing needed modernization improvements to enhance economic development opportunities.
50	This report includes information on 50 road, highway and bridge projects that currently cannot proceed due to lack of funding. These projects are needed to improve safety, support economic development opportunities and improve conditions in Montana.
\$144.5 million	The MDT has delayed \$144.5 million in road projects that had been scheduled to begin in 2017 because of a lack of adequate funding.
32 percent 5th 25 percent	Vehicle miles traveled (VMT) in Montana increased by 32 percent from 2000 to 2015 –from 9.9 billion VMT in 2000 to 13 billion VMT in 2015. This was the fifth largest increase in VMT in the nation during that time. VMT in Montana is anticipated to increase by another 25 percent by 2030.
\$794 million	Driving on deficient roads costs Montana motorists a total of \$794 million annually in the form of additional vehicle operating costs (VOC), congestion-related delays and traffic crashes.
\$1,113 – Billings \$1,417– Great Falls \$1,152 – Missoula	TRIP has calculated the cost to the average motorist in the form of additional VOC, congestion-related delays and traffic crashes. Driving on deficient roads costs the average Billings urban area driver \$1,113 annually, while the average driver in the Great Falls area loses \$1,417 and the average driver in the Missoula area loses \$1,152.
1.58 3rd	Montana's overall traffic fatality rate of 1.58 fatalities per 100 million vehicle miles of travel in 2014 was the third highest in the U.S. and much higher than the national average of 1.08.
34% - Montana 30% - Billings 52% - Great Falls 26% – Missoula	<u>Thirty-four percent of Montana's major urban roads are in poor condition.</u> In the Billings, Great Falls and Missoula urban areas, 30 percent, 52 percent and 26 percent of major roads are in poor condition, respectively.
\$101 Billion	Annually, \$101 billion in goods are shipped to and from sites in Montana, mostly by truck.
18%	A total of 18 percent of Montana bridges show significant deterioration or do not meet current design standards. Eight percent of the state's bridges are structurally deficient and ten percent are functionally obsolete.

Location	VOC	Safety	Congestion	TOTAL
Billings	\$592	\$253	\$268	\$1,113
Great Falls	\$872	\$311	\$234	\$1,417
Missoula	\$538	\$280	\$334	\$1,152
Montana - Statewide	\$296 million	\$328 million	\$170 million	\$794 million

POPULATION, TRAVEL AND ECONOMIC GROWTH IN MONTANA

The rate of population and economic growth in Montana has resulted in increased demands on the state's major roads and highways, leading to increased wear and tear on the transportation system.

- Montana's population reached approximately 1 million residents in 2015, a 14 percent increase since 2000. Montana had approximately 781,000 licensed drivers in 2015.
- Vehicle miles traveled (VMT) in Montana increased by 32 percent from 2000 to 2015 – from 9.9 billion VMT in 2000 to 13 billion VMT in 2015. This was the fifth largest increase in VMT in the nation during that time.
- During the first nine months of 2016, VMT in Montana was up 3.3 percent from the first nine months of 2015, ahead of the national rate of VMT growth of three percent during that time.
- By 2030, vehicle travel in Montana is projected to increase by another 25 percent.
- Montana's gross domestic product (GDP), a measure of the state's economic output, increased by 43 percent from 2000 to 2015, when adjusted for inflation. This was the seventh largest increase in GDP during that time. U.S. GDP increased 27 percent from 2000 to 2015.

MONTANA ROAD CONDITIONS

A lack of adequate state and local funding has resulted in more than one-third of major urban roads and highways in Montana having pavement surfaces in poor condition, providing a rough ride and costing motorists in the form of additional vehicle operating costs.

- The pavement data in this report, which is for all arterial and collector roads and highways, is provided by the Federal Highway Administration (FHWA), based on data submitted annually by the Montana Department of Transportation (MDT) on the condition of major state and locally maintained roads and highways.

- Pavement data for Interstate highways and other principal arterials is collected for all system mileage, whereas pavement data for minor arterial and all collector roads and highways is based on sampling portions of roadways as prescribed by FHWA to insure that the data collected is adequate to provide an accurate assessment of pavement conditions on these roads and highways.
- Thirty-four percent of Montana's major locally and state-maintained urban roads and highways have pavements in poor condition, 40 percent are rated in mediocre or fair condition, and the remaining 26 percent are rated in good condition.
- Seven percent of Montana's major locally and state-maintained rural roads and highways have pavements in poor condition, 36 percent are rated in mediocre or fair condition, and the remaining 57 percent are rated in good condition.
- The chart below details the share of pavement in poor, mediocre, fair and good condition in the state's largest urban areas.

Location	Poor	Mediocre	Fair	Good
Billings	30%	20%	17%	33%
Great Falls	52%	24%	7%	18%
Missoula	26%	17%	23%	34%

- Roads rated in mediocre to poor condition may show signs of deterioration, including rutting, cracks and potholes. In some cases, these roads can be resurfaced, but often are too deteriorated and must be reconstructed.
- Driving on rough roads costs Montana motorists a total of \$296 million annually in extra vehicle operating costs. Costs include accelerated vehicle depreciation, additional repair costs, and increased fuel consumption and tire wear.

MONTANA BRIDGE CONDITIONS

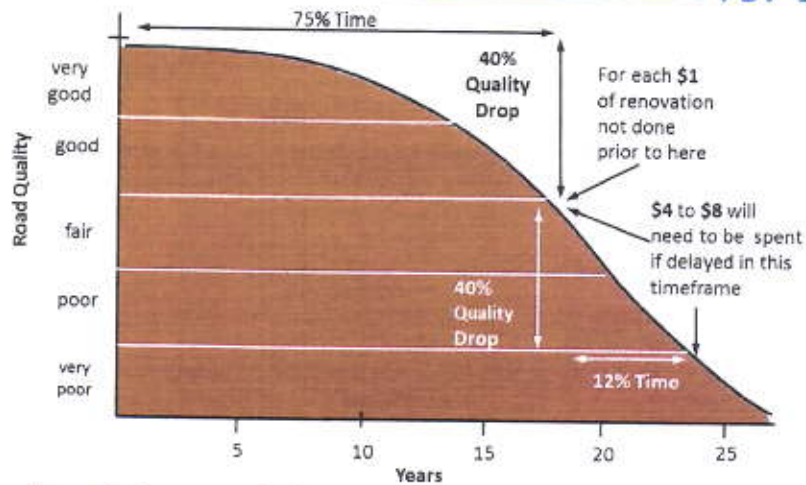
Eighteen percent of locally and state-maintained bridges in Montana show significant deterioration or do not meet current design standards, often because of narrow lanes, inadequate clearances or poor alignment. This includes all bridges that are 20 feet or more in length.

- Eight percent of Montana's bridges are structurally deficient. A bridge is structurally deficient if there is significant deterioration of the bridge deck, supports or other major components. Structurally deficient bridges are often posted for lower weight or closed to traffic, restricting or redirecting large vehicles, including commercial trucks and emergency services vehicles.
- Ten percent of Montana's bridges are functionally obsolete. Bridges that are functionally obsolete no longer meet current highway design standards, often because of narrow lanes, inadequate clearances or poor alignment.

MONTANA DEPARTMENT
OF TRANSPORTATION
2016 FACT BOOK



Road Deterioration vs. Time



Timely maintenance is the key to getting the **maximum life** from pavements. For every dollar not spent on timely preventative maintenance, \$4 to \$8 will be needed for complete reconstruction a few years later.

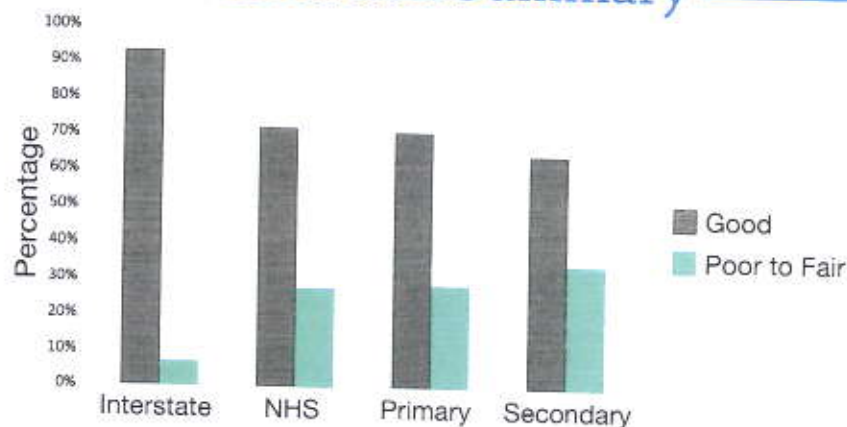
Source: www.pavementinteractive.org/article/pavement-life-cycle

Construction Expenditure Impacts of Inflation



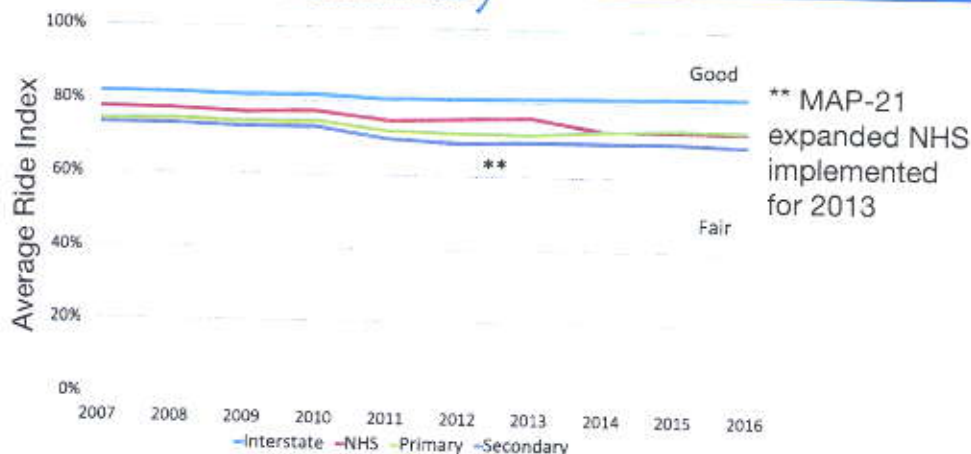
Source: MDT Rail, Transportation and Planning

2016 State Highway Overall Pavement Condition Summary



Source: MDT Pavement Analysis Section

MDT Ride Condition Summary



Note: Ride index, a measurement of road "smoothness," is just one index considered in the overall pavement condition.

Performance Goal:

Maintain average ride in the desirable (or superior) range with less than 3% of the miles in unsatisfactory condition.

Pavement Condition Analysis

Excellent



Smooth pavement void of cracking distress and rutting

Good



Visible traffic wear with low severity cracking and minimal rutting

Fair



Moderate cracking in extent and severity, slight rutting and aggregate loss

Poor



Prevalent cracking in extent and severity, heavy rutting, patching

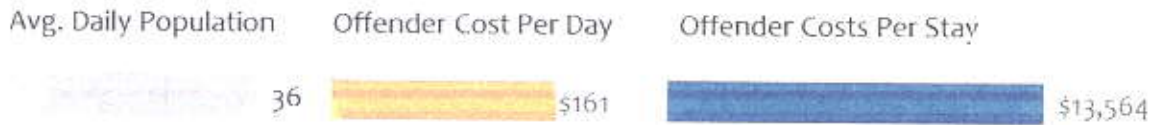
Did You Know?

MDT produces the official Montana Highway Map in cooperation with Travel Montana. In 2016, **500,000 maps** were printed with an anticipated 700,000 to be printed in 2017.

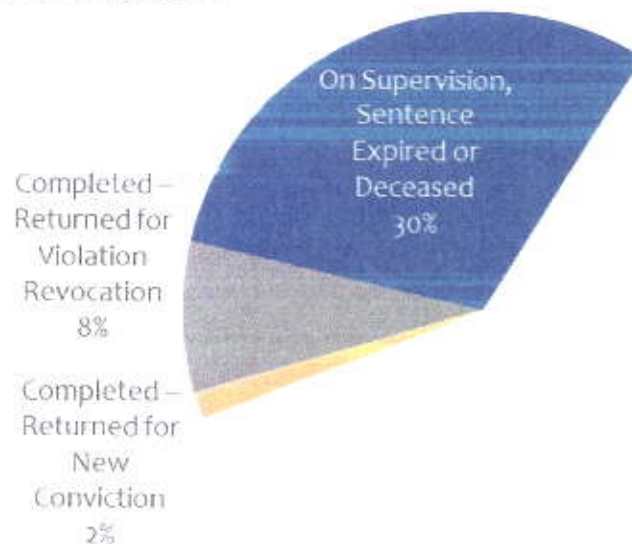
In fiscal year 2016, MDT crews spread **170,640 cubic yards of sand** and **8,793,620 gallons of chemical** (deicer and brine).

Montana maintains **25,066 actual lane miles**.

The state-operated Treasure State Correctional Training Center has a lower cost per stay than prison and offers treatment and programming for up to 40 individuals at a time



2% of the 1,065 offenders who participated in the challenging Treasure State Correctional Training Center Program since 2012 faced a new conviction and 8% were returned to a higher level of supervision for a violation or revocation



ADDITIONAL
DOCUMENTS

5/27

Rep Hamlet

Attached is a letter from Boster Jacob Nelson. He wrote this over the weekend.

It would be helpful if you could ask the committee secretary, Steve Row, send this to all members of the House Appropriations Committee

Thank you
Jim Ahrens

Treasure State Correctional Training Center
(Boot Camp)
An Important Perspective

This facility at one point was a military style correctional program within the Montana Dept. of Corrections. It no longer takes this approach. It is a facility that uses a disciplined, structured and secure environment in which to apply rehabilitative programming that does not allow the offenders destructive culture and mindsets to be brought into the facility and inhibit the offenders openness needed to genuinely recognize the importance of personal responsibility, understanding of self, and compassion for others needed for the successful delivery of important life lessons. There are many examples of a similar approach used to educate many high performance and high integrity professions, such as law enforcement, fire fighting, and paramedics, all of which are held in high regard. Why not apply such a learning environment to responsible and healthy living as well? Particularly to young men and women who are still in a period of life when the feeling of personal empowerment stems from their youth alone.

As a facility that got its inspiration from the military, the evolution of this program as of recent has been limited by a misunderstanding of its nature, particularly in this case, the phrase "boot camp" being used in Montana State Law to reference the program as well as a habit in language within the department when referencing this facility.

As we progress forward it is important to identify possible misunderstandings and lack of knowledge needed to accurately assess this program for what it truly is. Although this point is arguable, the dialog alone, accompanied with a transparent assessment of this truly impactful approach could very well place the state of Montana on the cutting edge of correctional programming and set the example for the rest of the nation in terms of reducing recidivism, and decreasing the population of inmates in the system.

It should be noted that we call our profession "corrections" for a reason, to correct. We have years of evidence in this nation that a penitentiary form of justice has failed on a number of arguable fronts to rehabilitate inmates. It is time that we recognize as leaders in our community that treating symptomatic portions of people's lives is incomplete without a dynamic approach, addressing the person as a whole. We can all recognize as individuals who are parents, brothers, sisters, wives, husbands and children, the value and impact that mentorship and guidance has played in our lives, and has led us to a place in life where we are responsible for the well being of others. Every person deserves this chance, including men and women who have been convicted of a crime. Let it be known, ask any case worker who works within the department, there is an extremely high number of individuals incarcerated who have lacked valuable guidance in their life to say the least. If this program is not inhibited, an extremely valuable service to the community in all the ways mentioned will be praised for years to come. Thank you.

Jacob Christopher Nelson



Correctional Boot Camps: Lessons We Have Learned

Boot Camps: National Findings

Correctional systems began establishing boot camps in the early 1980s in response to rising rates of serious crime. This alternative to prison aimed to reduce recidivism, prison populations and operating costs. Over time, boot camps have been shown to be unable to meet these objectives.

Studies from organizations including the National Institute of Justice and the Campbell Collaboration Crime and Justice Group have found that boot camps, in general, do not produce a reduction in future offending, relative to typical criminal justice system sanctions.¹ The research results indicate that boot camps' disciplined structure and therapeutic programs did eliminate idleness and create a safer environment, which in turn improved inmate attitudes and behavior. Unfortunately, with limited exceptions, these positive changes did not translate into reduced recidivism.² Nearly all states have either abandoned the boot camp model or retrofitted the programs to align with evidence-based practices.

The Montana Treasure State Correctional Training Center (TSCTC) Boot Camp

Treasure State Correctional Training Center (TSCTC) was established as a military-style boot camp using a shock incarceration model to teach discipline through rigid structure consistent with the national trend at that time.

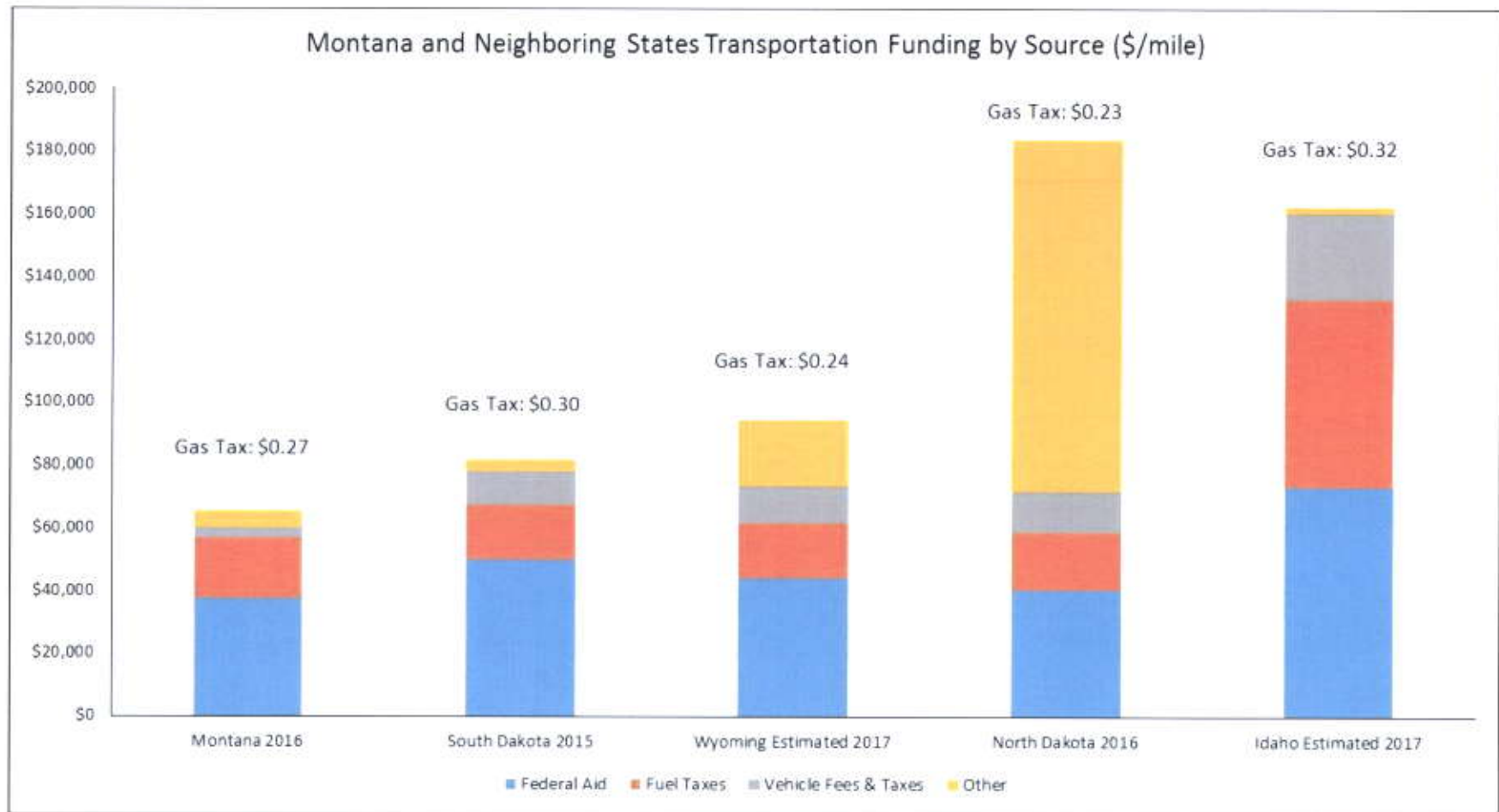
In recent years, the program has been modified to emphasize programming that positively addresses thinking errors and focuses on offender responsibility and self-discipline. Despite these adjustments, the Department recognizes the direction supported by three decades of research illustrating that boot camp programs have failed to reduce recidivism, whether they were programs with a heavy military emphasis or revamped programs with greater emphasis on evidence-based treatment.

Montana's TSCTC has constantly struggled to attract offenders. The program is voluntary and offenders must apply for acceptance. On any given day, only about 40 offenders participate in this program. Additionally, the program has failed to show positive behavioral changes from participants. From 2012 through 2016:

- 52% of participants either failed to complete the Boot Camp or failed to complete Aftercare.
- Only 29% of participants are successfully on supervision in the community, have completed their sentences or are deceased.
- 31% of individuals who were released from the program following completion were returned for a violation revocation or new conviction.

Programs based on required (rather than volunteer participation) chemical dependency treatment have a higher level of success overall. For example, some mandatory programs have reported a 90% completion rate and that 67% of participants are successfully on supervision in the community, their sentences have expired, or they are deceased. With the population demands facing the Department of Corrections, we are looking to maximize the use of all our facilities. By replacing the boot camp model, we can anticipate placing at least 60 offenders in this facility. As such, repurposing the facility used as a boot camp will allow us to use our resources to better address the issues currently facing our offender population, including the provision of chemical dependency (CD) treatment services. The Department intends to convert beds at the Great Falls Pre-Release Center previously used specifically for Aftercare of the offenders exiting the Boot Camp program, to standard pre-release beds to further bolster total beds available for community corrections placements. Overall, these changes will assist the Department in addressing the drug epidemic facing the criminal justice system and the state.

¹ Wilson, David B., Doris L. MacKenzie, and Faw Ngo Mitchell. 2008. *Effects of Correctional Boot Camps on Offender*. Campbell Systematic Reviews 1.



*State-by-state total miles are based on 2015 data from the Federal Highway Administration (FHWA).

*The funding data for Montana's neighboring states was retrieved from those states' Department of Transportation websites.

*Contained in North Dakota's other category is approximately \$700 million/year in oil impact funds, which are supported by oil and gas revenues.

*Contained in Wyoming's other category is \$93 million in abandoned mine reclamation funds (federal funds).

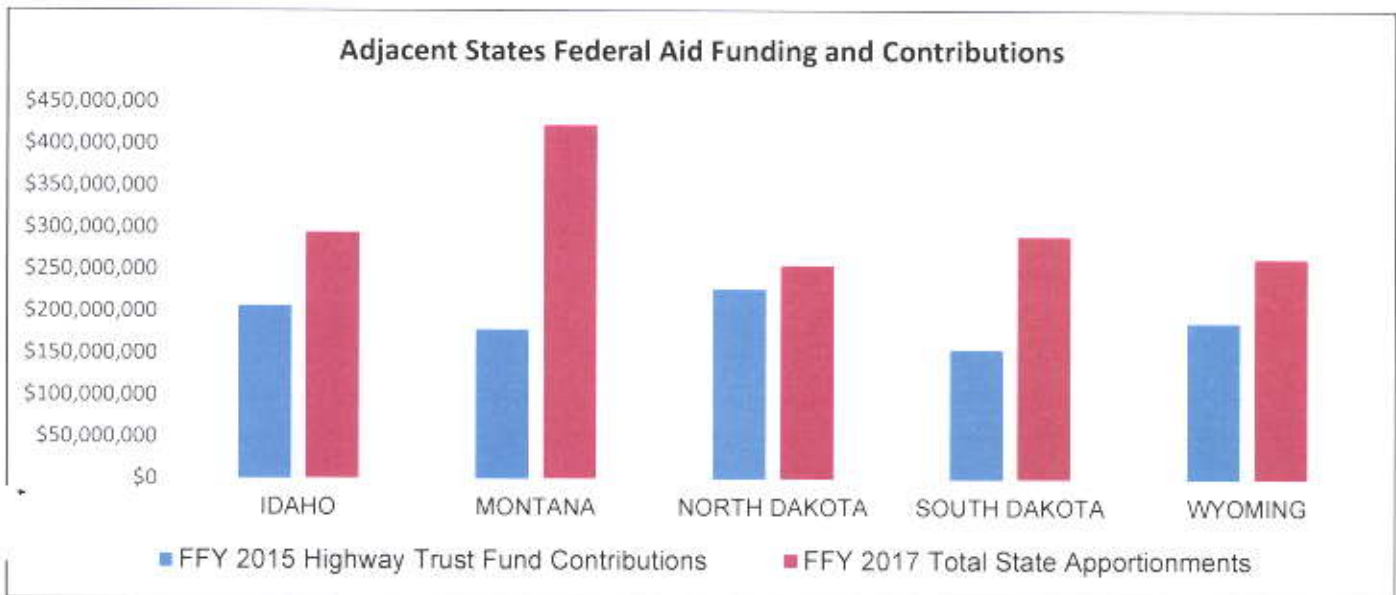
**ADDITIONAL
DOCUMENTS**

Surrounding State Comparisons

venue Sources

Adjacent State Funding Sources for Improving Roads and Bridges						
State	Fuel Tax-Cents Per Gallon*	Passenger Vehicle Fees	Truck Registration Fees	General Funds	Interest Income	Other
Idaho	32 – G 32 – D (Jul '15)	R, T	•	•	•	Taxes on alternative fuels Fuel taxes for certain non-highway use (used for grade crossings) Oversize/overweight truck permit fees Other truck permit fees Special fees on hybrid and electric vehicles Cigarette taxes
Montana	27 – G 27.75 -D (July '94)	GVW fees on heavy trucks			•	Taxes on alternative fuels Gross vehicle weight fees on light trucks Oversize/overweight truck permit fees
North Dakota	23- G 23 - D	R, T	•	•	•	Taxes on alternative fuels Driver's license and state ID card fees
South Dakota	28 – G 28 – D (April '15)				•	Taxes on alternative fuels Sales taxes on motor vehicle sales/leases Sales taxes on rental vehicles Outdoor advertising revenues
Wyoming	24 – G 24 – D (July '13)	R, T	•	•		Taxes on alternative fuels Special fees on electric vehicles Oversize/overweight truck permit fees Driver's license fees Outdoor advertising revenues Mineral royalties Mineral severance taxes
G – Gasoline/Gasohol D – Diesel R: Registration fees T: Title fees * Date of last fuel tax update in parentheses						
Source: AASHTO Financing Transportation – November 2016						

Federal Funding & Contributions



Montana receives \$2.27 for every \$1.00 Montana contributes to the Federal Highway Trust Fund.

State Highway Performance and Cost Effectiveness

Overall, Montana's State Highways rank 6th in the nation in highway performance and cost-effectiveness.

- Performance and cost effectiveness is a measure of comparative performance, and high ranking states like Montana have better than average system conditions and low per-mile expenditures. Montana consistently ranks high in this category, which demonstrates optimal use of the relatively limited resources available for our State Highway System.
- Contributing to Montana's high overall ranking is our low disbursement of funding per mile of state controlled highway system. Montana ranks as 5th in the nation for total disbursements per mile. This is an overall measure that includes capital construction, maintenance and administrative costs per mile.

Montana's rural non-Interstate principal arterial percent in poor condition is ranked as 34th in the nation.

- We are ranked in the lower third of the nation for this measure. A high percentage of pavement in poor condition coupled with a high ranking of effective use of available resources can be related to our aging infrastructure and insufficient funding to maintain a system of our size. Montana is ranked as having the 24th largest state controlled highway system, while we are 35th in terms of federal highway fund apportionments.

Montana's fatality rate is ranked 50th - the worst in the nation.

- Though we are making effective use of the funding available for system performance, we still have dire needs concerning the safety of our highways. Rural -low population states have greater issues to overcome with traffic safety due to vast distances of travel and response time for medical services. This is a ranking that cannot be ignored when considering the need for continued investment to ensure our infrastructure is as safe as possible for the traveling public. Our target is zero deaths and zero serious injuries.

Adjacent State Performance and Effectiveness Comparison

	State Ranking Comparisons				
	Montana	Idaho	North Dakota	South Dakota	Wyoming
Overall Rank	6	16	7	2	8
Performance by Category					
Total Disbursements per Mile	5	16	17	6	8
Rural Other Principal Arterial, Percent in Poor Condition	34	32	38	10	30
Fatality Rate per 100 Million Vehicle-Miles of Travel	50	37	44	46	15

Source: Reason Foundation; Policy Study No. 448; September 2016. The Reason Foundation is a tax-exempt non-partisan public policy research organization which develops and publishes an annual report of the State Highway System Performance. The rankings noted are from the 22nd Annual Highway Report. Apportionments from FHWA FY 2017 Estimated Apportionment Tables.

System Extent and Revenue Used Comparison

Compared to the adjacent states, Montana has the most state owned miles, while our revenue used per mile is considerably less than in the adjacent states.

State	Miles of State Ownership	Revenues Used for State Admin Highways (millions)	Revenue Used Per Mile of State Admin Highway
Idaho	4,992	\$596.9	\$119,570
Montana	11,014	\$703.8	\$63,900
North Dakota	7,406	\$741.1	\$100,070
South Dakota	7,766	\$576.0	\$74,170
Wyoming	6,718	\$570.0	\$84,850

Source – Highway Statistics Tables SF-3 & HM-10.

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE AND CLAIMS

Call to Order: Chair Llew Jones, on April 11, 2017 at 9:00 A.M., in Room 317 Capitol

ROLL CALL

Members Present:

Sen. Llew Jones, Chair (R)
Sen. Frederick (Eric) Moore, Vice Chair (R)
Sen. Duane Ankney (R)
Sen. Mary Caferro (D)
Sen. Terry Gauthier (R)
Sen. David Howard (R)
Sen. Douglas (Doug) Kary (R)
Sen. Bob Keenan (R)
Sen. Mike Lang (R)
Sen. Mary McNally (D)
Sen. Albert Olszewski (R)
Sen. Ryan Osmundson (R)
Sen. Mike Phillips (D)
Sen. Jon C. Sesso (D)
Sen. Cary Smith (R)
Sen. Jeffrey W. Welborn (R)
Sen. Lea Whitford (D)
Sen. Cynthia Wolken (D)

Members Excused: None

Members Absent: None

Staff Present: Prudence Gildroy, Committee Secretary
Julie Johnson, Legislative Branch
Kris Wilkinson, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 558, 4/7/2017

Executive Action: HB 618 Be Concurred In As Amended; HB 639 Be Concurred In As Amended; HB 648 Be Concurred In As Amended; HB 565 Be Concurred In As Amended; HB 473 Be Concurred In As Amended

HEARING ON HB 558

Opening Statement by Sponsor:

00:03:07 Rep. Greg Hertz (R), HD 12, opened the hearing on HB 558, Revise tax rates to mitigate reappraisal.

Proponents' Testimony:

00:07:44 Nicole Rolf, Montana Farm Bureau Federation
00:09:47 Jay Bodner, Montana Stockgrowers Association, Montana CattleWomen
00:11:08 Mike Murphy, Montana Water Resources Association

Opponents' Testimony:

00:12:14 Mike Kadas, director, Department of Revenue

Informational Testimony: None

Questions from Committee Members and Responses:

00:21:16 Sen. Howard
00:21:38 Rep. Hertz
00:23:00 Sen. Howard
00:23:29 Rep. Hertz
00:24:31 Chair Jones
00:25:18 Rep. Hertz
00:27:31 Chair Jones
00:27:40 Rep. Hertz

Closing by Sponsor:

00:28:00 Rep. Hertz
00:30:19 Recess
00:53:41 Reconvene

EXECUTIVE ACTION ON HB 618

00:53:44 **Motion:** Sen. Moore moved that **HB 618 BE CONCURRED IN.**

00:53:53 **Motion:** Sen. Keenan moved that **HB 618 BE AMENDED.**
[EXHIBIT\(fcs76a01\)](#)

Discussion:

00:54:09 Sen. Keenan

00:53:59 **Vote:** Motion carried 16-2 by voice vote with Sen. Caferro and Sen. C. Smith voting no.

00:55:00 **Motion:** Sen. Caferro moved that **HB 618 BE AMENDED.**
EXHIBIT(fcs76a02)

Sen. Ankney, Sen. Olszewski and Sen. Wolken left the meeting.

Discussion:

00:56:17 Sen. Caferro
00:58:39 Sen. Howard
00:58:41 Sen. Caferro
00:59:29 Sen. Howard
00:59:55 Sen. Caferro
01:00:11 Sen. Lang
01:01:11 Sen. Sesso
01:02:43 Sen. Caferro

01:03:15 **Vote:** Motion carried 10-6 by roll call vote with Sen. Howard, Sen. Kary, Sen. Lang, Sen. Moore, Sen. Osmundson and Sen. C. Smith voting no. Sen. Ankney and Sen. Olszewski were excused. Sen. Wolken voted by proxy.

01:04:34 **Motion/Vote:** Sen. Moore moved that **HB 618 BE CONCURRED IN AS AMENDED.** Motion carried 14-2 by voice vote with Sen. Howard and Sen. C. Smith voting no. Sen. Ankney and Sen. Olszewski were excused. Sen. Wolken voted by proxy. Sen. Keenan will carry the bill.

01:07:00 Recess

Sen. Osmundson and Sen. Welborn left the meeting.

07:37:37 Reconvene

Sen. Ankney, Olszewski and Sen. Wolken joined the meeting.

EXECUTIVE ACTION ON HB 639

07:38:02 **Motion:** Sen. Moore moved that **HB 639 BE CONCURRED IN.**

07:38:21 **Motion:** Sen. Keenan moved that **HB 639 BE AMENDED.**
EXHIBIT(fcs76a03)

Discussion:

07:39:28 Sen. Keenan

07:40:49 **Vote:** Motion carried unanimously by voice vote. Sen. Osmundson and Sen. Welborn voted by proxy.

07:41:07 **Motion:** Sen. Keenan moved that **HB 639 BE AMENDED.**
[EXHIBIT\(fcs76a04\)](#)

Discussion:

07:41:10 Sen. Keenan

07:42:39 **Vote:** Motion carried unanimously by voice vote. Sen. Osmundson and Sen. Welborn voted by proxy.

Sen. Phillips left the meeting.

07:43:12 **Motion:** Sen. Olszewski moved that **HB 639 BE AMENDED.**
[EXHIBIT\(fcs76a05\)](#)

Discussion:

07:43:14 Sen. Olszewski

07:46:38 Sen. Caferro

07:46:43 Sen. Olszewski

07:47:15 **Vote:** Motion carried unanimously by voice vote. Sen. Osmundson and Sen. Welborn voted by proxy. Sen. Phillips was excused.

07:47:41 **Motion/Vote:** Sen. Moore moved that **HB 639 BE CONCURRED IN AS AMENDED.** Motion carried 17-0 by voice vote. Sen. Osmundson and Sen. Welborn voted by proxy. Sen. Phillips was excused. Sen. Keenan will carry the bill.

EXECUTIVE ACTION ON HB 648

07:48:12 **Motion:** Sen. Moore moved that **HB 648 BE CONCURRED IN.**

07:48:29 **Motion:** Sen. Moore moved that **HB 648 BE AMENDED.**
[EXHIBIT\(fcs76a06\)](#)

Discussion:

07:49:10 Kris Wilkinson, Legislative Fiscal Division (LFD)

07:51:24 **Vote:** Motion carried unanimously by voice vote. Sen. Osmundson and Sen. Welborn voted by proxy. Sen. Phillips was excused.

07:51:41 **Motion:** Sen. Moore moved that **HB 648 BE CONCURRED IN AS AMENDED.**

Discussion:

07:51:52 Sen. Keenan

07:52:08 Ms. Wilkinson, LFD

07:52:24 **Vote:** Motion carried 17-0 by voice vote. Sen. Osmundson and Sen. Welborn voted by proxy. Sen. Phillips was excused. Sen. Ankney will carry the bill.

EXECUTIVE ACTION ON HB 565

07:53:08 **Motion:** Sen. Moore moved that **HB 565 BE CONCURRED IN.**

07:53:19 **Motion:** Sen. Moore moved that **HB 565 BE AMENDED.**
[EXHIBIT\(fcs76a07\)](#)

Discussion:

07:53:45 Ms. Wilkinson

07:54:57 Sen. Moore

[EXHIBIT\(fcs76a08\)](#)

07:55:50 Sen. Smith left the meeting.

07:55:53 Sen. Whitford

07:56:27 Chair Jones

07:59:18 Sen. Sesso

07:59:40 Sen. Moore

08:00:13 Chair Jones

08:00:35 **Vote:** Motion carried unanimously by voice vote. Sen. Osmundson, Sen. C. Smith and Sen. Welborn voted by proxy. Sen. Phillips was excused.

Discussion:

08:01:14 Sen. Sesso

08:02:57 Chair Jones

08:03:03 **Motion:** Sen. Moore moved that **HB 565 BE AMENDED.**
[EXHIBIT\(fcs76a09\)](#)

Discussion:

08:03:15 Sen. Sesso

08:04:02 **Vote:** Motion carried 16-1 by voice vote with Sen. Whitford voting no. Sen. Osmundson, Sen. C. Smith and Sen. Welborn voted by proxy. Sen. Phillips was excused.

08:04:17 **Motion/Vote:** Sen. Moore moved that **HB 565 BE CONCURRED IN AS AMENDED.** Motion carried 16-1 by voice vote with Sen. Whitford voting no. Sen. Osmundson, Sen. C. Smith and Sen. Welborn voted by proxy. Sen. Phillips was excused. Sen. Moore will carry the bill.

EXECUTIVE ACTION ON HB 473

08:06:04 **Motion:** Sen. Moore moved that **HB 473 BE CONCURRED IN.**

08:06:39 **Motion:** Sen. Moore moved that **HB 473 BE AMENDED.**

[EXHIBIT\(fcs76a10\)](#)

[EXHIBIT\(fcs76a11\)](#)

Sen. Smith joined the meeting.

Discussion:

08:06:42 Sen. Moore

08:09:17 Sen. Howard

08:09:47 Sen. Sesso

08:10:25 Chair Jones

08:10:55 Sen. Moore

08:12:06 **Vote:** Motion failed 8-10 by roll call vote with Sen. Howard, Sen. Kary, Sen. Keenan, Sen. Lang, Sen. Moore, Sen. Olszewski, Sen. Osmundson and Sen. C. Smith voting aye. Sen. Osmundson, Sen. Phillips and Sen. Welborn voted by proxy.

08:13:28 **Motion:** Sen. Ankney moved that **HB 473 BE AMENDED.**

[EXHIBIT\(fcs76a12\)](#)

[EXHIBIT\(fcs76a13\)](#)

Sen. Smith left the meeting.

Discussion:

08:13:30 Sen. Ankney

08:18:12 Sen. Moore

08:19:45 Sen. Howard

08:22:42 Sen. Sesso

08:27:53 Sen. Gauthier

08:29:02 **Vote:** Motion carried 11-7 by roll call vote with Sen. Howard, Sen. Kary, Sen. Keenan, Sen. Moore, Sen. Olszewski, Sen. Osmundson and Sen. C. Smith voting no. Sen. Osmundson, Sen. Phillips, Sen. C. Smith and Sen. Welborn voted by proxy.

08:30:35 **Motion:** Sen. Howard moved that **HB 473 BE AMENDED.**

[EXHIBIT\(fcs76a14\)](#)

Discussion:

08:30:37 Sen. Howard

08:31:25 Sen. Sesso

08:32:12 Sen. Howard

08:32:33 Ms. Wilkinson
 08:32:54 Sen. Sesso
 08:33:40 Sen. Howard
 08:33:47 Chair Jones
 08:33:57 Ms. Wilkinson
 08:34:30 Sen. Howard withdrew his motion.

08:34:35 **Motion:** Sen. Howard moved that **HB 473 BE AMENDED CONCEPTUALLY** to require the department to implement the act within the current FTE that they have.

Discussion:

08:34:45 Ms. Wilkinson
 08:35:00 Chair Jones
 08:35:07 Sen. Keenan

08:35:43 **Vote:** Motion carried unanimously by voice vote. Sen. Osmundson, Sen. C. Smith and Sen. Welborn voted by proxy. Sen. Phillips was excused.

08:35:59 **Motion:** Sen. Howard moved that **HB 473 BE AMENDED.**
[EXHIBIT\(fcs76a15\)](#)

Discussion:

08:36:02 Sen. Howard
 08:37:13 Sen. Sesso
 08:38:06 Sen. Moore
 08:38:35 Sen. Gauthier
 08:38:59 Chair Jones
 08:39:24 Sen. Howard

08:40:22 **Vote:** Motion failed 7-11 by roll call vote with Sen. Howard, Sen. Kary, Sen. Keenan, Sen. Moore, Sen. Olszewski, Sen. Osmundson and Sen. C. Smith voting aye. Sen. Osmundson, Sen. Phillips, Sen. C. Smith and Sen. Welborn voted by proxy.

08:41:38 **Motion:** Sen. Ankney moved that **HB 473 BE CONCURRED IN AS AMENDED.**

Discussion:

08:41:40 Sen. Ankney
 08:42:40 Sen. Phillips and Sen. Welborn joined the meeting.
 08:43:19 Sen. Sesso
 08:45:56 Chair Jones

08:48:26 **Vote:** Motion carried 11-7 by roll call vote with Sen. Howard, Sen. Kary, Sen. Keenan, Sen. Moore, Sen. Olszewski, Sen. Osmundson and Sen. C. Smith voting no. Sen. Osmundson and Sen. C. Smith voted by proxy. Sen. Ankney will carry the bill.

Committee Business:

08:49:49 Chair Jones
08:49:53 Sen. Moore
08:50:14 Chair Jones
08:50:27 Sen. Whitford

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ADJOURNMENT

Adjournment: 5:55 PM

Prudence Gildroy, Secretary

pg

Additional Documents:

EXHIBIT([fcs76aad.pdf](#))

Montana State Legislature

65th Montana Legislature - 2017

ADDITIONAL DOCUMENTS

Business Report

Signed by Chairman

Roll Call

Attendance

Standing Committee Reports

Tabled Bills

Fiscal Reports

Roll Call Votes

Proxy Forms

Visitor Registration

Additional Documents

Witness Statements that are not presented as exhibits. All informational items handed in after meeting. Petitions; etcetera.

- **Any documents which were submitted after the committee hearing has ended and/or was submitted late within 24 hours regarding information in the committee hearing.**

YOU MAY VIEW THE ORIGINAL DOCUMENTS

AT THE MONTANA HISTORICAL SOCIETY

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2017 LEGISLATIVE SESSION

E-DOCUMENT SPECIALIST: SUSIE HAMILTON

BUSINESS REPORT

**MONTANA SENATE
65th LEGISLATURE - REGULAR SESSION**

SENATE FINANCE AND CLAIMS COMMITTEE

Date: Tuesday, April 11, 2017

Place: Capitol

Time: 9:00 A.M.

Room: 317

BILLS and RESOLUTIONS HEARD:

HB 558 - Revise tax rates to mitigate reappraisal - Rep. Greg Hertz

EXECUTIVE ACTION TAKEN:

HB 618 - Be Concurred In As Amended

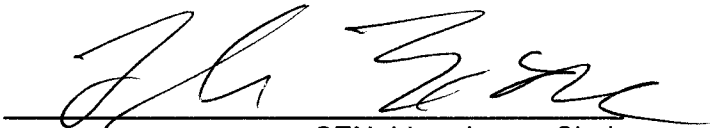
HB 639 - Be Concurred In As Amended

HB 648 - Be Concurred In As Amended

HB 565 - Be Concurred In As Amended

HB 473 - Be Concurred In As Amended

Comments:



SEN. Llew Jones, Chair

MONTANA STATE SENATE

ROLL CALL

FINANCE AND CLAIMS COMMITTEE

DATE: April 11, 2017

NAME	PRESENT	ABSENT/ EXCUSED
Chairman Jones	✓	
Vice Chair Moore	✓	
Senator Ankney	✓	<i>joined after roll</i>
Senator Caferro	✓	
Senator Gauthier	✓	
Senator Howard	✓	
Senator Kary	✓	
Senator Keenan	✓	
Senator Lang	✓	
Sen. McNally	✓	
Senator Olszewski	✓	<i>joined after roll</i>
Senator Osmundson	✓	
Senator Phillips	✓	
Senator Sesso	✓	
Senator Smith	✓	
Senator Welborn	✓	
Senator Whitford	✓	
Senator Wolken	✓	



SENATE STANDING COMMITTEE REPORT

April 11, 2017

Page 1 of 2

Mr. President:

We, your committee on **Finance and Claims** report that **House Bill 618** (third reading copy -- blue) **be concurred in as amended.**

Signed:

A handwritten signature in blue ink, appearing to read "Llew Jones", is written over a horizontal line.

Senator Llew Jones, Chair

To be carried by Senator Bob Keenan

And, that such amendments read:

1. Title, page 1, line 5.

Following: "RATES;"

Insert: "PROVIDING A WAGE INCREASE FOR CERTAIN DIRECT CARE WORKERS;"

2. Page 1, line 17.

Strike: "\$1.20"

Insert: "\$3"

3. Page 1, line 20.

Strike: "\$2.20"

Insert: "\$7"

4. Page 2, line 10.

Following: "purpose of"

Insert: ": (i)"

5. Page 2, line 12

Following: "homes"

Strike: "._"

Insert: "; and

(ii) in each year of the biennium beginning July 1, 2017, providing a wage increase of 50 cents per hour to certified

Committee Vote:

Yes 14, No 2

Fiscal Note Required X

nursing assistants working in nursing facilities, provided in increments of 25 cents per hour every 6 months."

6. Page 2, line 17.

Following: "(1)"

Insert: "(a)"

7. Page 2, line 18.

Strike: "\$1,788,492"

Insert: "\$4,427,982"

8. Page 2, line 19.

Strike: "\$3,278,902"

Insert: "\$10,331,958"

9. Page 2.

Following: line 19

Insert: "(b) Of the amount appropriated in subsection (1)(a), \$584,120 must be used in fiscal year 2018 and \$1,365,085 in fiscal year 2019 for the wage increase for certified nursing assistants provided for in 15-60-211(1)(c)(ii)."

10. Page 2, line 20.

Following: "(2)"

Insert: "(a)"

11. Page 2, line 21.

Strike: "\$3,389,539"

Insert: "\$8,391,884"

Strike: "\$6,370,603"

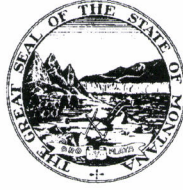
Insert: "\$20,074,039"

12. Page 2.

Following: line 22

Insert: "(b) Of the amount appropriated in subsection (2)(a), \$1,103,112 must be used in fiscal year 2018 and \$2,577,968 in fiscal year 2019 for the wage increase for certified nursing assistants provided for in 15-60-211(1)(c)(ii)."

- END -



SENATE STANDING COMMITTEE REPORT

April 12, 2017

Page 1 of 4

Mr. President:

We, your committee on **Finance and Claims** report that **House Bill 639** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

A handwritten signature in blue ink, appearing to read "Llew Jones".

Senator Llew Jones, Chair

To be carried by Senator Bob Keenan

And, that such amendments read:

1. Title, page 1, line 6.

Following: "ACT;"

Insert: "PROVIDING MEDICAID CASELOAD RESTRICTIONS; PROVIDING LIMITATIONS ON TRANSFERS OF FUNDING FOR THE MONTANA DEVELOPMENTAL CENTER; PROVIDING FOR A STATUTORY APPROPRIATION;"

2. Title, page 1, line 6.

Strike: "SECTION"

Insert: "SECTIONS 17-7-502 AND"

3. Page 1, line 10.

Insert: "NEW SECTION. **Section 1. Medicaid caseload contingent funding -- restrictions.** (1) The appropriations to the department of public health and human services in House Bill No. 2, under "Medicaid Caseload Contingency" only occur:

(a) for fiscal year 2018, if nonrestricted general fund expenditures for the department, including accruals, exceed \$501,016,552 during the fiscal year; and

(b) for fiscal year 2019, if nonrestricted general fund expenditures for the department, including accruals, exceed \$514,663,100 during the fiscal year.

(2) The House Bill No. 2 appropriation amounts provided for

Committee Vote:

Yes 17, No 0

Fiscal Note Required ☐

in subsections (1)(a) and (1)(b) are based on the amount of nonrestricted general fund appropriations for fiscal years 2018 and 2019. The amounts of \$501,016,552 for fiscal year 2018 and \$514,663,100 for fiscal year 2019 are superseded by the total of nonrestricted general fund appropriations for each separate fiscal year, as reflected in House Bill No. 2 as passed and approved."

"NEW SECTION. Section 2. Montana developmental center -- requirements. The appropriation to the department of public health and human services in House Bill No. 2, under "Montana Developmental Center" is restricted to the following:

- (a) expenditures at the Montana developmental center; or
- (b) transfers pursuant to subsection (2).

(2) The department may transfer from "Montana Developmental Center" for other necessary services for individuals served or who would have otherwise been served at the Montana Developmental Center.

(3) If the department transfers funding or full-time equivalents from the appropriation under "Montana Developmental Center", the department must notify the legislative finance committee and the legislative fiscal analyst.

(4) Any information that is confidential or personally identifiable provided pursuant to this section may only be communicated to the legislative fiscal analyst, who will not release the information pursuant to 5-12-303.

Insert: "NEW SECTION. Section 3. Indian health services federal revenue account.

(1) There is an account in the federal special revenue fund established pursuant to 17-2-102 to be known as the Indian health service federal revenue account.

(2) Funds in the account are statutorily appropriated, as provided in 17-7-502, to the department of public health and human services for medicaid benefits for Indian health services or tribal health services."

Insert: "Section 4. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity.

(1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203;

10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-433; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-517; 20-9-520; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; [section 3]; 53-6-1304; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency; pursuant to sec. 5, Ch. 244, L. 2013, the inclusion of 22-1-327 terminates July 1, 2017; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015, the inclusion of 53-6-1304 terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of

contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of 17-7-215 terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates September 30, 2019; and pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December 31, 2023.)""

Renumber: subsequent sections

4. Page 1, line 15.

Following: "(2)"

Insert: "(a)"

5. Page 1, line 18.

Strike: "The"

Insert: "For fiscal years 2018 and 2019, the"

6. Page 1, line 19.

Following: "increased"

Insert: ", at a minimum,"

7. Page 1, line 21.

Following: "20-9-326."

Insert: "(b) For each subsequent fiscal year, the conversion factor must be increased, at a minimum, by the same percentage increase as the consumer price index for medical care for the previous year, as calculated by the bureau of labor statistics of the United States department of labor."

8. Page 1, line 22.

Insert: "NEW SECTION. **Section 6. Codification instruction.**

[Section 3] is intended to be codified as an integral part of Title 53, chapter 6, and the provisions of Title 53, chapter 6, apply to [section 3]."

Insert: "COORDINATION SECTION. **Section 7. Coordination**

instruction. If House Bill No. 2 and [this act] are both passed and approved and [this act] contains a statutory appropriation for Indian health services and tribal health services funding, the appropriation for the health resources division in House Bill No. 2 is decreased by \$82,373,231 in federal funds in fiscal year 2018 and by \$94,556,232 in federal funds in fiscal year 2019."

Renumber: subsequent sections

- END -



SENATE STANDING COMMITTEE REPORT

April 11, 2017

Page 1 of 16

Mr. President:

We, your committee on **Finance and Claims** report that **House Bill 648** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

A handwritten signature in blue ink, appearing to read "Llew Jones", written over a horizontal line.

Senator Llew Jones, Chair

To be carried by Senator Duane Ankney

And, that such amendments read:

1. Title, page 1, line 9.

Following: "~~APPROPRIATION;~~"

Insert: "DIRECTING COAL SEVERANCE TAX TO THE GENERAL FUND FOR
STATUTORY APPROPRIATION TO THE PENSION SYSTEM; PROVIDING FOR
A STATUTORY APPROPRIATION; CREATING STATE SPECIAL REVENUE
ACCOUNTS; TEMPORARILY EXPANDING USAGE OF STATE PARK FUNDS;"

2. Title, page 1, line 10.

Following: "~~17-7-502,~~"

Insert: "17-7-502, 61-3-321, 75-10-743,"

3. Title, page 1, line 10.

Following: "MCA;"

Insert: "AMENDING SECTION 3, CHAPTER 115, LAWS OF 2017; AMENDING
SECTION 11, CHAPTER 400, LAWS OF 2015;"

4. Title, page 1, line 11.

Following: "DATES"

Insert: "AND A TERMINATION DATE"

Committee Vote:

Yes 17, No 0

Fiscal Note Required X

5. Page 1, line 15.

Following: "transfers."

Insert: "(1)"

6. Page 1, line 17.

Strike: subsection (1) in its entirety

7. Page 1, line 18.

Strike: "(2)"

Insert: "(a)"

8. Page 1, line 19.

Strike: "(3)"

Insert: "(b)"

9. Page 1.

Following: line 19

Insert: "(2) By August 15, 2017, the state treasurer shall transfer \$120,000 from the water storage state special revenue account established in 85-1-631 to the ground water assessment state special revenue account provided for in 85-2-905."

10. Page 2.

Following: line 6

Insert: "NEW SECTION. **Section 3. Supplemental state contribution -- appropriation.** (1) (a) For the fiscal

year beginning July 1, 2017, the state shall contribute \$31.386 million and for the fiscal year beginning July 1, 2018, the state shall contribute \$31.958 million from the general fund to the public employees' retirement system pension trust as a supplemental contribution to the public employees' retirement system.

(b) Starting in the fiscal year beginning July 1, 2019, the state shall contribute from the general fund to the public employees' retirement system pension trust 101% of the contribution from the previous years as a supplemental contribution to the public employees' retirement system.

(c) The 69th legislature shall review the performance of subsection (1)(b) and make recommendations for adjustments as needed.

(2) This contribution is statutorily appropriated, as provided in 17-7-502, from the general fund to the pension trust

fund."

Renumber: subsequent sections

11. Page 2, line 10.

Following: "department"

Insert: "related to animal health"

12. Page 2, line 13.

Strike: "animal health"

Insert: "laboratory"

13. Page 2, line 18.

Insert: "NEW SECTION. **Section 5. Basic library services account.** There is a basic library services account in the state special revenue fund established by 17-2-102 to be administered by the state library for providing basic library services."

Insert: "NEW SECTION. **Section 6. Conservation district account.** There is a conservation district account in the state special revenue fund established by 17-2-102 to be administered by the department of natural resources and conservation for providing funding for conservation districts."

Insert: "NEW SECTION. **Section 7. Growth through agriculture account.** There is a growth through agriculture account in the state special revenue fund established by 17-2-102 to be administered by the department of agriculture for providing funding for the growth through agriculture program."

Renumber: subsequent sections

14. Page 2, line 27.

Strike: "0.93%"

Insert: "0.85% in fiscal year 2018 and 0.88% in fiscal year 2019"

15. Page 2, line 29.

Following: "networking"

Insert: "and must be deposited in the basic library services account established in [section 5]"

16. Page 2, line 30.

Strike: "3.71%"

Insert: "3.89% in fiscal year 2018 and 3.83% in fiscal year 2019"

17. Page 3, line 1.

Following: "districts"

Insert: "and deposited in the conservation district account established in [section 6]"

18. Page 3, line 2.

Strike: "0.82%"

Insert: "0.72% in fiscal year 2018 and 0.75% in fiscal year 2019"

Following: "Act"

Insert: "and deposited in the growth through agriculture account established in [section 7]"

19. Page 3, line 24 through line 26.

Strike: "AND IS" on line 24 through "19-3-103" on line 26

20. Page 4, line 8.

Strike: "; AND"

21. Page 4, line 9 through line 13.

Strike: subsection (iv) through subsection (c) in their entirety

22. Page 4, line 27.

Strike: "0.93%"

Insert: "0.90% in fiscal year 2020 and 0.93% in fiscal year 2021 and in each fiscal year thereafter"

23. Page 4, line 29.

Following: "networking"

Insert: "and must be deposited in the basic library services account established in [section 5]"

24. Page 4, line 30.

Strike: "3.71%"

Insert: "3.77% in fiscal year 2020 and 3.71% in fiscal year 2021
and in each fiscal year thereafter"

Following: "allocated to"

Insert: "the department of natural resources and conservation
for"

Following: "districts"

Insert: "and deposited in the conservation district account
established in [section 6]"

25. Page 5, line 1.

Strike: "0.82%"

Insert: "0.79% in fiscal year 2020 and 0.82% in fiscal year 2021
and in each fiscal year thereafter"

Following: "Act"

Insert: "and deposited in the growth through agriculture account
established in [section 7]"

26. Page 5, line 20.

Strike: "(A) SUBJECT TO SUBSECTION (11)(B), ALL"

Insert: "All"

27. Page 5, line 21.

Following: "state"

Insert: "."

28. Page 5, line 22 through line 30.

Strike: line 22 through line 30

29. Page 7, line 25.

Insert: "**Section 9.** Section 17-7-502, MCA, is amended to read:

**"17-7-502. Statutory appropriations -- definition --
requisites for validity.** (1) A statutory appropriation is an
appropriation made by permanent law that authorizes spending by a
state agency without the need for a biennial legislative
appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective,
a statutory appropriation must comply with both of the following
provisions:

(a) The law containing the statutory authority must be
listed in subsection (3).

(b) The law or portion of the law making a statutory
appropriation must specifically state that a statutory

appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-433; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; [section 3]; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-517; 20-9-520; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-1304; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency; pursuant to sec. 5, Ch. 244, L. 2013, the inclusion of 22-1-327 terminates July 1, 2017; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec.

6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015, the inclusion of 53-6-1304 terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of 17-7-215 terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates September 30, 2019; and pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December 31, 2023.)""

Insert: "Section 10. Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration fees -- disposition of fees.

(1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers, semitrailers, and pole trailers as provided in subsections (2) through (20).

(2) Unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

- (a) if the vehicle is 4 or less years old, \$217;
- (b) if the vehicle is 5 through 10 years old, \$87; and
- (c) if the vehicle is 11 or more years old, \$28.

(3) Except as provided in subsection (15), the one-time registration fee based on the declared weight of a trailer, semitrailer, or pole trailer is as follows:

- (a) if the declared weight is less than 6,000 pounds, \$61.25; or
- (b) if the declared weight is 6,000 pounds or more, \$148.25.

(4) Except as provided in subsection (15), the one-time registration fee for motor vehicles owned and operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

- (a) 2,850 pounds and over, \$10; and
- (b) under 2,850 pounds, \$5.

(5) Except as provided in subsection (15), the one-time registration fee for off-highway vehicles other than a quadricycle or motorcycle is \$61.25.

(6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.

(7) (a) The annual registration fee for a motor home, based on the age of the motor home, is as follows:

- (i) less than 2 years old, \$282.50;
- (ii) 2 years old and less than 5 years old, \$224.25;
- (iii) 5 years old and less than 8 years old, \$132.50; and
- (iv) 8 years old and older, \$97.50.

(b) The owner of a motor home that is 11 years old or older

and that is subject to the registration fee under this section may permanently register the motor home upon payment of:

- (i) a one-time registration fee of \$237.50;
- (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be deposited in the account established under 61-6-158;
- (iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406; and
- (iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a collegiate license plate under 61-3-465.

(8) (a) Except as provided in subsection (15), the one-time registration fee for motorcycles and quadricycles registered for use on public highways is \$53.25, and the one-time registration fee for motorcycles and quadricycles registered for both off-road use and for use on the public highways is \$114.50.

(b) An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(9) Except as provided in subsection (15), the one-time registration fee for travel trailers, based on the length of the travel trailer, is as follows:

- (a) under 16 feet in length, \$72; and
- (b) 16 feet in length or longer, \$152.

(10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat, personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

- (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length, \$65.50;
- (b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in length, \$125.50; and
- (c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.

(11) (a) Except as provided in subsections (11)(b) and (15), the one-time registration fee for a snowmobile is \$60.50.

(b) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose of daily rental to customers is assessed:

- (A) a fee of \$40.50 in the first year of registration; and
- (B) if the business reregisters the snowmobile for a second year, a fee of \$20.

(ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently registered and the business is assessed the registration fee imposed in subsection (11)(a).

(12) (a) The one-time registration fee for a low-speed electric vehicle is \$25.

(b) The one-time registration fee for a golf cart that is

owned by a person who has or is applying for a low-speed restricted driver's license is \$25.

(c) The one-time registration fee for golf carts authorized to operate on certain public streets and highways pursuant to 61-8-391 is \$25. Upon receipt of the fee, the department shall issue the owner a decal, which must be displayed visibly on the golf cart.

(13) (a) Except as provided in subsection (13)(b), a fee of \$10 must be collected when a new set of standard license plates, a new single standard license plate, or a replacement set of special license plates required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply when previously issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be paid if the vehicle to which the plates are transferred is not currently registered.

(b) An additional fee of \$15 must be collected if a vehicle owner elects to keep the same license plate number from license plates issued before January 1, 2010, when replacement of those plates is required under 61-3-332(3).

(c) The fees imposed in this subsection (13) must be deposited in the account established under 61-6-158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

(14) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(d), (1)(e), (1)(g), (1)(h), (1)(i), (1)(k), (1)(l), (1)(n), or (1)(o), 15-6-203, or 15-6-215, except as provided in 61-3-520.

(15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle, quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile, motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411, or low-speed electric vehicle is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the fees imposed under this section.

(16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

(17) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(18) The fees imposed by subsections (2) through (12) are not required to be paid by a dealer for the enumerated vehicles or vessels that constitute inventory of the dealership.

(19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of \$6 must be

collected for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited in an account in the state special revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities. Of the \$6 fee, the department of fish, wildlife, and parks shall use \$5.37 for state parks or as otherwise appropriated by the legislature, 25 cents for fishing access sites, and 38 cents for the operation of state-owned facilities at Virginia City and Nevada City.

(b) A person who registers a light vehicle may, at the time of annual registration, certify that the person does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is made, the fee may not be collected.

(c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may make a written election not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is made, the fee may not be collected at any subsequent annual registration unless the person makes the written election to pay the additional fee on one or more of the light vehicles.

(ii) The written election not to pay the additional fee on a light vehicle expires if the vehicle is registered to a different person.

(20) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle, quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$5 must be collected and forwarded to the state for deposit in the account established in 44-1-504.

(21) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by 61-3-721."

Insert: "Section 11. Section 75-10-743, MCA, is amended to read:

"75-10-743. Orphan share state special revenue account -- reimbursement of claims -- payment of department costs. (1) There is an orphan share account in the state special revenue fund established in 17-2-102 that is to be administered by the department. Money in the account is available to the department by appropriation and, except as provided in subsections (9), (10), and (11), must be used to reimburse remedial action costs claimed pursuant to 75-10-742 through 75-10-751, to provide funding for the department of justice for investigations pursuant to its natural resource damage program, to pay costs incurred by the department in defending the orphan share, and to pay remedial action costs incurred by the department pursuant to subsection (12). Any amounts provided for investigations must be returned to the account, with interest, from the settlement proceeds of a

claim made under the natural resource damage program within 30 days of receiving settlement proceeds.

- (2) There must be deposited in the orphan share account:
 - (a) all penalties assessed pursuant to 75-10-750(12);
 - (b) funds received from the distribution of oil and natural gas production taxes pursuant to 15-36-331;
 - (c) unencumbered funds remaining in the abandoned mines state special revenue account;
 - (d) interest income on the account;
 - (e) funds received from settlements pursuant to 75-10-719(7); and
 - (f) funds received from reimbursement of the department's orphan share defense costs pursuant to subsection (6).
- (3) If the orphan share account contains sufficient money, valid claims must be reimbursed subsequently in the order in which they were received by the department. If the orphan share account does not contain sufficient money to reimburse claims for completed remedial actions, a reimbursement may not be made and the orphan share account, the department, and the state are not liable for making any reimbursement for the costs. The department and the state are not liable for any penalties if the orphan share account does not contain sufficient money to reimburse claims, and interest may not accrue on outstanding claims.
- (4) Except as provided in subsections (6) and (7), claims may not be submitted and remedial action costs may not be reimbursed from the orphan share account until all remedial actions, except for operation and maintenance, are completed at a facility.
- (5) Except as provided in subsection (6), reimbursement from the orphan share account must be limited to actual documented remedial action costs incurred after the date of a petition provided for in 75-10-745. Reimbursement may not be made for attorney fees, legal costs, or operation and maintenance costs.
- (6) (a) The department's costs incurred in defending the orphan share must be paid by the persons participating in the allocation under 75-10-742 through 75-10-751 in proportion to their allocated shares. The orphan share account is responsible for a portion of the department's costs incurred in defending the orphan share in proportion to the orphan share's allocated share, as follows:
 - (i) If sufficient funds are available in the orphan share account, the department's costs incurred in defending the orphan share must be paid from the orphan share account in proportion to the share of liability allocated to the orphan share.
 - (ii) If sufficient funds are not available in the orphan share account, persons participating in the allocation under 75-10-742 through 75-10-751 shall pay all the orphan share's allocated share of the department's costs incurred in defending the orphan share in proportion to each person's allocated share of liability.

(b) A person who pays the orphan share's proportional share of costs has a claim against the orphan share account and must be reimbursed as provided in subsection (3).

(c) A state agency that is liable for remedial action costs incurred has a claim against the orphan share account and must be reimbursed as provided in subsection (3). The agency may submit a claim before or after remedial action is complete. Reimbursement may not be made for attorney fees, legal costs, or operation and maintenance costs. The agency may be reimbursed only after:

(i) its liability has been determined pursuant to 75-10-742 through 75-10-751 or by a court of competent jurisdiction;

(ii) it has received a notice letter pursuant to 75-10-711; and

(iii) the department has approved the costs.

(7) (a) If the lead liable person under 75-10-746 presents evidence to the department that the person cannot complete the remedial actions without partial reimbursement and that a delay in reimbursement will cause undue financial hardship on the person, the department may allow the submission of claims and may reimburse the claims prior to the completion of all remedial actions. A person is not eligible for early reimbursement unless the person is in substantial compliance with all department-approved remedial action plans.

(b) The department may reimburse claims from a lead liable person upon completion and department approval of a report evaluating the nature and extent of contamination and a report formulating and evaluating final remediation alternatives. This early reimbursement is limited to those eligible costs incurred by the lead liable person for the preparation of the reports.

(8) A person participating in the allocation process who received funds under the mixed funding pilot program provided for in sections 14 through 20, Chapter 584, Laws of 1995, may not claim or receive reimbursement from the orphan share account for the amount of funds received under the mixed funding pilot program that are later attributed to the orphan share under the allocation process.

(9) (a) For the biennium beginning July 1, 2005, up to \$1.25 million may be used by the department to pay the costs incurred by the department in contracting for evaluating the extent of contamination and formulating final remediation alternatives for releases at the Kalispell pole and timber, reliance refinery company, and Yale oil corporation facility complex. If the department spends less than \$1.25 million for those purposes, the remaining funds must be spent for remediation of the facility complex. The department may not seek recovery of the \$1.25 million from potentially liable persons.

(b) The money spent pursuant to subsection (9)(a) must be credited against the amount owed by the state agency in a judgment or settlement agreement for payment of the remedial action costs at the facility for which the money was spent.

(10) (a) The department shall transfer from the orphan share

account to the long-term or perpetual water treatment permanent trust fund provided for in 82-4-367 \$1.2 million in each fiscal year until the board of investments makes the certification pursuant to subsection (10)(b) of this section.

(b) (i) The board of investments shall monitor the long-term or perpetual water treatment permanent trust fund provided for in 82-4-367 to determine when the amount of money in the long-term or perpetual water treatment permanent trust fund will be sufficient, with future earnings, to provide a fund balance of \$19.3 million on January 1, 2018.

(ii) When the board of investments makes the determination pursuant to subsection (10)(b)(i), the board of investments shall notify the department and certify to the department the amount of money, if any, that must be transferred during the fiscal year in which the board of investments makes its determination pursuant to subsection (10)(b)(i) in order to provide a fund balance of \$19.3 million on January 1, 2018.

(iii) In the fiscal year that the board of investments makes its determination and notifies the department, the department shall transfer only the amount certified by the board of investments, if any, and may not make additional transfers during subsequent fiscal years.

(c) After July 1, 2018, the department shall transfer \$1.2 million in each fiscal year from the orphan share state special revenue account to the environmental quality protection fund provided in 75-10-704.

(11) The orphan share account is subject to legislative fund transfers.

(12) Except as provided in subsection (13), the department may use the orphan share account to:

(a) take remedial action at a facility where there has been a release or there is a substantial threat of a release into the environment that may present an imminent and substantial endangerment to the public health, safety, or welfare or to the environment and there is no readily apparent person who is financially viable and potentially liable under 75-10-715 to conduct the remedial action; or

(b) fund the administration of data collection, the monitoring of the performance of remedial action, and the initial assessment of a facility to determine whether that facility may be closed or delisted.

(13) The department may not use for data collection, initial assessments, or monitoring pursuant to subsection (12)(b) more than 20% of the funds appropriated from the orphan share account for the bienniums beginning July 1, 2015, and ending June 30, 2025. For the bienniums beginning July 1, 2025, no more than 15% of the funds appropriated from the orphan share account may be used for data collection, initial assessments, or monitoring pursuant to subsection (12)(b).

(14) On or before July 1 of each year, the department shall report to the environmental quality council the amount of funds

from the orphan share account used pursuant to subsection (12), the type of expenditures made, and the identity and location of facilities addressed. (Subsection (10)(c) terminates June 30, 2027--sec. 5, Ch. 387, L. 2015.)""

Renumber: subsequent sections

30. Page 8, line 15.

Strike: "[SECTION 3]"

Insert: "[Section 4]"

31. Page 8, line 16.

Strike: "health"

Insert: "laboratory"

32. Page 11, lines 13 through 16.

Strike: section 8 in its entirety

Insert: "Section 15. Section 3, Chapter 115, Laws of 2017, is amended to read:

"Section 3. Recommendations to reduce expenditures. (1)

Except as provided in subsection (4), the budget director, taking into account the criteria provided in subsection (2), shall mandate reductions to agency expenditures of at least \$10 million for the biennium ending June 30, 2017.

(2) Prior to mandating reductions, the budget director shall consider whether an agency program is mandatory or permissive and analyze the impact of the proposed reduction in spending on the purpose of the program. Reductions in spending must be designed to have the least adverse impact on the provision of services determined to be most integral to the discharge of the agency's statutory responsibilities.

(3) The budget director shall submit an itemized list of mandated reductions to the 65th legislature by March 22, 2017.

(4) The budget director may not mandate reductions in spending for the following:

(a) payment of interest and principal on state debt;

(b) the legislative branch;

(c) the judicial branch;

(d) the school BASE funding program, including special education; and

(e) salaries of elected officials during their terms of office;

(f) the department of justice;

(g) the secretary of state;

(h) the office of public instruction;

(i) the public service commission; and

(j) the state auditor's office."

Insert: "Section 16. Reductions to appropriations for fiscal

year 2017. The following appropriations for fiscal year 2017, as enacted in House Bill No. 2 in Ch. 400, Laws of 2015, are reduced as follows, is amended to read:

"Department of Justice

Agency Legal Services from \$6,995,799 in general fund to \$6,870,799.

Office of Public Instruction

School Facility Reimbursement from \$8,586,000 in state special revenue to \$0."

Insert: "NEW SECTION. Section 17. Codification instruction.

(1) [Section 3] is intended to be codified as an integral part of Title 19, chapter 3, part 3, and the provisions of Title 19, chapter 3, part 3, apply to [section 3].

(2) [Section 4] is intended to be codified as an integral part of Title 81, chapter 2, part 1, and the provisions of Title 81, chapter 2, part 1, apply to [section 4].

(3) [Section 5] is intended to be codified as an integral part of Title 22, chapter 1, part 2, and the provisions of Title 22, chapter 1, part 2, apply to [section 5].

(4) [Section 6] is intended to be codified as an integral part of Title 76, chapter 15, part 1, and the provisions of Title 76, chapter 15, part 1, apply to [section 6].

(5) [Section 7] is intended to be codified as an integral part of Title 90, chapter 9, part 1, and the provisions of Title 90, chapter 9, part 1, apply to [section 7]."

Insert: "COORDINATION SECTION. Section 18. Coordination

instruction. If both [this act] and House Bill No. 2 are passed and approved and if House Bill No. 2 does not contain a restricted appropriation to the department of administration for the supplemental state contribution referenced in [section 3] in the amount of \$1,649,000 in the fiscal year beginning July 1, 2017, and \$1,657,000 in the fiscal year beginning July 1, 2018, the amount of the contribution in [section 3(1)(a) of this act] is increased by \$1,649,000 in the fiscal year beginning July 1, 2017, and by \$1,657,000 in the fiscal year beginning July 1, 2018."

Insert: "NEW SECTION. Section 19. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent sections

Strike: "[Section 2]"

Insert: "[Sections 2, 10, and 15]"

34. Page 11, line 28.

Insert: "NEW SECTION. **Section 21. Termination.** [Section 10]
terminates June 30, 2019."

- END -



SENATE STANDING COMMITTEE REPORT

April 12, 2017

Page 1 of 6

Mr. President:

We, your committee on **Finance and Claims** report that **House Bill 565** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Senator Llew Jones, Chair

To be carried by Senator Frederick (Eric) Moore

And, that such amendments read:

1. Title, page 1, line 5.

Following: "2019;"

Insert: "REVISING THE GROWTH RATE FOR THE REIMBURSEMENT FOR CLASS EIGHT TAX RATE REDUCTIONS AND EXEMPTIONS;"

2. Title, page 1, line 6.

Strike: "SECTION"

Insert: "SECTIONS"

3. Title, page 1, line 7.

Following: "15-1-121,"

Insert: "15-1-123, AND 20-9-630,"

4. Page 2, line 30.

Strike: "The"

Insert: "Except as provided in subsection (7)(b), the"

5. Page 3, line 7.

Strike: "subsection"

Insert: "subsections"

Following: "(4)(b)(iv)"

Insert: "and (7)(b)"

6. Page 4, line 18 through line 19.

Committee Vote:

Yes 16, No 1

Fiscal Note Required X

Strike: "Except" on line 18 through "basis." on line 19

7. Page 5, line 21.

Following: "(7)"

Insert: "(a)"

8. Page 5, line 28.

Following: line 27

Insert: "(b) For fiscal year 2018 and thereafter, the growth rate provided for in subsection (4) does not apply to the portion of the entitlement share pool attributable to the reimbursement provided for in 15-1-123(2). The department shall calculate the portion of the entitlement share pool attributable to the reimbursement in 15-1-123(2), including the application of the growth rate in previous fiscal years, for counties, consolidated local governments, and cities and, for fiscal year 2018 and thereafter, apply the growth rate for that portion of the entitlement share pool as provided in 15-1-123(2).

(c) The growth amount resulting from the application of the growth rate in 15-1-123(2) must be allocated as provided in subsections (6)(b)(ii)(A), (6)(b)(iii)(A), and (6)(b)(iv)(A) of this section."

9. Page 6, line 2.

Strike: "Except" through "one-half"

Insert: "One-half"

10. Page 6, line 5 through line 6.

Strike: line 5 through line 6 in their entirety

11. Page 6, line 13.

Strike: line 13 in its entirety

12. Page 6, line 26 through line 29.

Strike: subsection (b) in its entirety

Insert: "(b) A payment required pursuant to this section must be withheld if a local government:

(i) fails to meet a deadline established in 2-7-503(1), 7-6-611(2), 7-6-4024(3), or 7-6-4036(1); and

(ii) fails to remit any amounts collected on behalf of the state as required by 15-1-504 or any other amounts owed to the state or another taxing jurisdiction, as otherwise required by law, within 45 days of the end of a month.

(c) A payment required pursuant to this section may be withheld if, for more than 90 days, a local government fails to:

(i) file a financial report required by 15-1-504;

(ii) remit any amounts collected on behalf of the state as required by 15-1-504; or

(iii) remit any other amounts owed to the state or another taxing jurisdiction."

13. Page 7, line 1.

Insert: "Section 2. Section 15-1-123, MCA, is amended to read:

"15-1-123. Reimbursement for class eight rate reduction and exemption -- distribution -- appropriations. (1) For the tax rate reductions in 15-6-138(3), the increased exemption amount in 15-6-138(4), the effective tax rate reductions on property under 15-6-145 because of the rate reductions required by the amendments of 15-6-138 in section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013, and the effective tax rate reductions on property under 15-6-145 because of the increased exemption amount required by the amendment of 15-6-138 in section 2, Chapter 396, Laws of 2013, the department shall ~~for the fiscal years ending June 30, 2014, and June 30, 2015, estimate for reimburse~~ each local government, as defined in 15-1-121(5), each school district, the county retirement fund under 20-9-501, the countywide school transportation reimbursement under 20-10-146, each tax increment financing district, and the 6-mill university levy for the purposes of 15-10-108 the difference between property tax collections under 15-6-138 as amended by section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013, and under 15-6-145 and the property tax revenue that would have been collected under 15-6-138 and 15-6-145 if 15-6-138 had not been amended by section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013. The difference is the annual reimbursable amount for each local government, each school district, each tax increment financing district, and the 6-mill levy for the support of the Montana university system under 15-10-108.

(2) ~~(a)~~ The department shall distribute the reimbursements calculated in subsection (1) to local governments with the entitlement share payments under 15-1-121(7) ~~for the fiscal year ending June 30, 2015. Local government reimbursements for subsequent years are made pursuant to the entitlement share recomputation as provided in 15-1-121(6). For fiscal year 2018 and thereafter, the growth rate applied to the reimbursement is one-half of the average rate of inflation for the prior 3 years.~~

~~(b) For the fiscal year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property for each local government. By June 15, 2014, the department shall distribute the amount determined under this subsection (2) (b) for local governments as provided in 15-1-121(6) (a).~~

(3) ~~(a)~~ The office of public instruction shall distribute the reimbursements calculated in subsection (1) to school districts with the block grants pursuant to 20-9-630 ~~for the fiscal year ending June 30, 2015. School district reimbursements for subsequent fiscal years are made pursuant to 20-9-630.~~

~~(b) For the fiscal year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property for each school district. By November 30, 2014, the office of public instruction shall distribute the amount determined under this subsection (3) (b) in the same manner as the block grant is distributed by fund under 20-9-630.~~

(4) ~~(a) For the fiscal year ending June 30, 2015, the~~ The amount determined under subsection (1) for each tax increment financing district must be added to the reimbursement amount for the tax increment financing district as provided in 15-1-121(8)(b) if the tax increment financing district is still in existence. If a tax increment financing district that is entitled to a reimbursement under this section is not listed under 15-1-121(8)(b), the reimbursement must be made to that tax increment financing district at the same time as other districts.

~~(b) For the fiscal year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property for each tax increment financing district. By June 15, 2014, the department shall distribute the amount determined under this subsection (4) (b) to each tax increment financing district as provided in 15-1-121(8) and to any other tax increment financing district that is entitled to a reimbursement under this section.~~

(5) ~~(a) For the fiscal year ending June 30, 2015, the~~ The amount determined under subsection (1) for the 6-mill university levy must be added to current collections and reimbursements for the support of the Montana university system as provided in 15-10-108.

~~(b) For the fiscal year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property for the 6-mill university levy. By June 15, 2014, the department of administration shall transfer the amount determined under this subsection (5) (b) from the general fund to the state special revenue fund for the support of the Montana university system as provided in 15-10-108.~~

~~(c) (b) Beginning in fiscal year 2013, the~~ The department of administration shall transfer the ~~amounts~~ amount determined under this subsection (5) from the general fund to the state special revenue fund for the support of the Montana university system as provided in 15-10-108.

(6) ~~(a) The office of public instruction shall distribute the reimbursements calculated in subsection (1) to the countywide retirement fund under 20-9-501 for the fiscal year ending June 30, 2015. One-half of the amount must be distributed in November and the remainder in May.~~

~~(b) For the fiscal year ending June 30, 2014, the~~

~~department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property in the county. By November 30, 2014, the office of public instruction shall distribute the amount determined under this subsection (6)(b) to the countywide retirement fund.~~

(7) ~~(a)~~ The office of public instruction shall distribute the reimbursements calculated in subsection (1) to the county transportation fund reimbursement under 20-10-146 ~~for the fiscal year ending June 30, 2015~~. The reimbursement must be made at the same time as countywide school transportation block grants are distributed under 20-9-632.

~~(b) For the fiscal year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property in the county. By November 30, 2014, the office of public instruction shall distribute the amount determined under this subsection (7)(b) to the county transportation reimbursement."~~

Insert: "Section 3. Section 20-9-630, MCA, is amended to read:

"20-9-630. School district block grants. (1) (a) The office of public instruction shall provide a block grant to each school district based on:

(i) the revenue received by each district in fiscal year 2001 from vehicle taxes and fees, corporate income taxes paid by financial institutions, aeronautics fees, state land payments in lieu of taxes, and property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999; and

(ii) any reimbursement to be made to a school district pursuant to subsection (2).

(b) Block grants must be calculated using the electronic reporting system that is used by the office of public instruction and school districts. The electronic reporting system must be used to allocate the block grant amount into each district's budget as an anticipated revenue source by fund.

(2) If the legislature enacts a reimbursement provision that is to be distributed pursuant to this section, the office of public instruction shall determine the reimbursement amount as provided in the enactment and add the appropriate amount to block grant distributions under this section. ~~Except for the reimbursement made under 15-1-123(3)(b), the~~ The total of reimbursement distributions made pursuant to this subsection in a fiscal year must be added to all other distributions to the school district in the fiscal year to determine the distribution for the subsequent fiscal year.

(3) Each year, 70% of each district's block grant must be distributed in November and 30% of each district's block grant must be distributed in May at the same time that guaranteed tax base aid is distributed.

(4) (a) The block grant for the district general fund is

equal to the amount received in fiscal year 2011 by the district general fund from the block grants provided for in subsection (1) and the amount received by the district general fund under subsection (2), ~~except the amount received under 15-1-123(3)(b).~~

(b) The block grant for the district transportation fund is equal to the amount received in fiscal year 2011 by the district transportation fund from the block grants provided for in subsection (1) and the amount received by the district transportation fund under subsection (2), ~~except the amount received under 15-1-123(3)(b).~~

(c) (i) The combined fund block grant is equal to the amount received in fiscal year 2011 and the amount received under subsection (2), ~~except the amount received under 15-1-123(3)(b).~~

(ii) The school district may deposit the combined fund block grant into any budgeted fund of the district.""

Renumber: subsequent sections

- END -



SENATE STANDING COMMITTEE REPORT

April 12, 2017

Page 1 of 4

Mr. President:

We, your committee on **Finance and Claims** report that **House Bill 473** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

[Signature]
Senator Llew Jones, Chair

To be carried by Senator Duane Ankney

And, that such amendments read:

1. Title, page 1, line 8.

Following: the first "PROJECTS"

Strike: ", "

Insert: "AND"

Strike: ", AND HIGHWAY PATROL FUNCTIONS"

2. Title, page 1, line 12.

Following: "APPROPRIATION"

Insert: "AND AN APPROPRIATION"

3. Page 3, line 2.

Strike: "57%" through "greater,"

4. Page 3, line 4.

Following: "commission"

Insert: ":",

(i) \$12.5 million for fiscal year 2018; and
(ii) 35% or \$9.8 million, whichever is greater, for fiscal year 2019 and thereafter

5. Page 3, line 5 through line 6.

Strike: subsection (b) in its entirety

Renumber: subsequent subsections

Committee Vote:

Yes 11, No 7

Fiscal Note Required X

HB0473001SC13799.sjc

6. Page 3, line 14 through line 15.

Strike: "By" on line 14 through "section." on line 15

Insert: "The department of transportation shall allocate funds provided for in [section 2(2)(b)] collected between January 1 and December 31 of the previous year."

7. Page 3, line 16.

Strike: "September"

Insert: "March"

Following: "2018"

Insert: ", and allocations must be made each March 1 thereafter"

Strike: "2(2)(c)"

Insert: "2(2)(b)"

8. Page 3, line 25.

Strike: "September 1"

Insert: "March 1 and November 1"

9. Page 3, line 26.

Strike: "and July 1 of the following year"

10. Page 4, line 27.

Strike: "September"

Insert: "March"

11. Page 4, line 30.

Strike: "2(2)(c)"

Insert: "2(2)(b)"

12. Page 5, line 5.

Strike: "July"

Insert: "November"

13. Page 5, line 7.

Strike: "July"

Insert: "November"

14. Page 5, line 9.

Strike: "2(2)(c)"

Insert: "2(2)(b)"

15. Page 5, line 20.

Strike: "2(2)(c)"

Insert: "2(2)(b)"

16. Page 5, line 22.

Strike: "March 31"

Insert: "June 30"

17. Page 6.

Following: line 13

Insert: "(5) By June 30, 2019, there must be a followup to the performance audit provided for in this section that includes a review of the progress of the department of transportation on recommendations resulting from the audit and information on:

(a) the number of full-time equivalent employees employed by the department of transportation;

(b) department costs per full-time equivalent employee;

(c) pay increases provided to employees in the previous year;

(d) department costs per road mile constructed; and

(e) the total cost of contracted labor.

(6) Following review by the legislative audit committee, the audit followup to the performance audit must be presented to the revenue and transportation interim committee provided for in 5-5-227."

18. Page 6, line 21.

Following: "highways;"

Insert: "and"

19. Page 6, line 22.

Strike: subsection (ii) in its entirety

Renumber: subsequent subsections

20. Page 6, line 25.

Strike: "(2)(b)(iii)"

Insert: "(2)(b)(ii)"

21. Page 10, line 9.

Strike: "35 cents"

22. Page 10, line 10.

Following: "distributor"

Insert: ":"

(i) 31.5 cents in fiscal years 2018 and 2019;

(ii) 32 cents in fiscal years 2020 and 2021;

(iii) 32.5 cents in fiscal year 2022; and

(iv) 33 cents in fiscal year 2023 and thereafter

23. Page 10, line 11.

Strike: "35 cents"

24. Page 10, line 12.

Following: "distributor"

Insert: ":"

(i) 29.25 cents in fiscal years 2018 and 2019;

- (ii) 29.45 cents in fiscal years 2020 and 2021;
- (iii) 29.55 cents in fiscal year 2022; and
- (iv) 29.75 cents in fiscal year 2023 and thereafter

25. Page 10, line 21.

Strike: "the revenue from 8 cents of the"

Insert: "the remaining revenue from the gasoline"

26. Page 10, line 23.

Strike: "the revenue from 7 1/4 cents of the"

Insert: "the remaining revenue from the special fuel"

27. Page 17, line 1 through line 2.

Strike: "and the bridge" on line 1 through "[section 2]"

28. Page 22.

Following: line 5

Insert: "NEW SECTION. Section 25. Appropriation. There is appropriated to the department of transportation \$12.5 million in fiscal year 2018 and \$9.8 million in fiscal year 2019 from the state special revenue account provided for in [section 2]. The department shall fully expend all state special revenue appropriation authority provided in the 2019 biennium version of House Bill No. 2 for contractor payments within the Construction Program, including the state special revenue appropriation for Highway Construction Contractor Payments (Restricted), before using the appropriation provided for in this section."

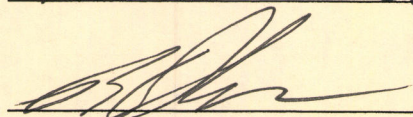
Insert: "NEW SECTION. Section 26. Implementation. The department of transportation shall implement the local match program provided for in [section 3] within existing resources."

ReNUMBER: subsequent sections

- END -

SENATE PROXY

I, Senator Ryan Osmondson, hereby authorize Senator Eric More to vote my proxy before the Senate Finance & Claims meeting held on 4-11-17, 2017.



 Senator Signature

4-11-17

 Date

Said authorization is as follows: (mark only one)

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

Bill No./Amendment No.		Aye	No
HB639	HB063901.AJT	X	
	HB063901.AJT	X	
	HB063904.AJ	X	
HB639	HB063904.AJT	X	
HB648	HB64805.AJT	X	
	as amended	X	
HB565	HB056502.AMM	X	
	HB056501.AJT	X	
	as amended	X	
HB473	HB047313.AH+1	X	
	HB047312.AH+1		X
	HB047317.AMM	X	
	HB047316.AMM	X	
HB473	as amended		X

SENATE PROXY

I, Senator MIKE PHILLIPS, hereby authorize Senator Mary Caferro to vote my proxy before the Senate Finance & Claims meeting held on 4-11, 2017.

Mike Phillips
Senator Signature

4-11-17
Date

Said authorization is as follows: (mark only one)

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

Bill No./Amendment No.	Aye	No
Amendment HB 47313. AMM		+
Amendment		
HB 047312. AMM ⁺		
Amendment		+
HB 047316. AMM		

SENATE PROXY

I, Senator Cary Smith, hereby authorize Senator Eric Moore to vote my proxy before the Senate Finance & Claims meeting held on 4-11-17, 2017.

Senator Signature

4-11-17
Date

Said authorization is as follows: *(mark only one)*

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

SENATE PROXY

I, Senator Jeff Welborn, hereby authorize Senator Eric Moore to vote my proxy before the Senate Finance & Planning meeting held on 4-11-17, 2017.

Jeff Welborn
Senator Signature

4-11-17
Date

Said authorization is as follows: (mark only one)

- ☒ All votes, including amendments.
☐ All votes as directed below on the listed bills, and all other votes.
☐ Votes only as directed below.

Bill No./Amendment No.	Aye	No
HB639 HB063901.AJJ	X	
HB063901.AJJ	X	
HB063904.AJJ	X	
HB648 HB64805.AJJ	X	
As Amended	X	
HB565 HB056502.AMM	X	
HB056501.AJJ	X	
As Amended	X	
HB473 HB047313.AMM		X
HB047312.AMM	X	
HB047317.AMM	X	X
HB047317.AMM		X
HB473 As Amended	X	

Bill as amended aye

SENATE PROXY

I, Senator Cynthia Walker, hereby authorize Senator Mary Caferro to vote my proxy before the Senate Finance & Claims meeting held on 4-11, 2017.

C. Warr.

Senator Signature _____

4-11-17
Date

Said authorization is as follows: *(mark only one)*

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

MONTANA STATE SENATE

ROLL CALL VOTE

FINANCE AND CLAIMS COMMITTEE

DATE: April 11, 2017

BILL # HB 618 VOTE 10-6

MOTION: HB 618 Be Amended
61801.450

NAME	AYE	NO	PROXY	EXCUSED
VICE CHAIR MOORE		✓		
SENATOR ANKNEY				✓
SENATOR CAFERRO	✓			
SENATOR GAUTHIER	✓			
SENATOR HOWARD		✓		
SENATOR KARY		✓		
SENATOR KEENAN	✓			
SENATOR LANG		✓		
SENATOR MCNALLY	✓	<i>nm</i>		
SENATOR OLSZEWSKI				✓
SENATOR OSMUNDSON		✓		
SENATOR PHILLIPS	✓			
SENATOR SESSO	✓			
SENATOR SMITH		✓		
SENATOR WELBORN	✓			
SENATOR WHITFORD	✓			
SENATOR WOLKEN	✓		✓	
CHAIRMAN JONES	✓			

MONTANA STATE SENATE

ROLL CALL VOTE

FINANCE AND CLAIMS COMMITTEE

DATE: April 11, 2017

BILL # HB 473

VOTE 8-10

MOTION: HB 473 Be Amended 47313.AMM

NAME	AYE	NO	PROXY	EXCUSED
VICE CHAIR MOORE	✓			
SENATOR ANKNEY		✓		
SENATOR CAFERRO		✓		
SENATOR GAUTHIER		✓		
SENATOR HOWARD	✓			
SENATOR KARY	✓			
SENATOR KEENAN	✓			
SENATOR LANG	✓			
SENATOR MCNALLY		✓		
SENATOR OLSZEWSKI	✓			
SENATOR OSMUNDSON	✓		✓	
SENATOR PHILLIPS	.	✓	✓	
SENATOR SESSO		✓		
SENATOR SMITH	✓		.	
SENATOR WELBORN		✓	✓	
SENATOR WHITFORD		✓		
SENATOR WOLKEN		✓		
CHAIRMAN JONES		✓		

MONTANA STATE SENATE

ROLL CALL VOTE

FINANCE AND CLAIMS COMMITTEE

DATE: April 11, 2017

BILL # HB 473 VOTE 11-7

MOTION: HB 473 Be Amended 47312. am n

NAME	AYE	NO	PROXY	EXCUSED
VICE CHAIR MOORE		✓		
SENATOR ANKNEY	✓			
SENATOR CAFERRO	✓			
SENATOR GAUTHIER	✓			
SENATOR HOWARD		✓		
SENATOR KARY		✓		
SENATOR KEENAN		✓		
SENATOR LANG	✓			
SENATOR MCNALLY	✓			
SENATOR OLSZEWSKI		✓		
SENATOR OSMUNDSON		✓	✓	
SENATOR PHILLIPS	✓		✓	
SENATOR SESSO	✓			
SENATOR SMITH		✓	✓	
SENATOR WELBORN	✓		✓	
SENATOR WHITFORD	✓			
SENATOR WOLKEN	✓			
CHAIRMAN JONES	✓			

MONTANA STATE SENATE

ROLL CALL VOTE

FINANCE AND CLAIMS COMMITTEE

DATE: April 11, 2017

BILL # HB 473

VOTE 1-11

MOTION: HB 473 Be Amended 473169mm

NAME	AYE	NO	PROXY	EXCUSED
VICE CHAIR MOORE	✓			
SENATOR ANKNEY		✓		
SENATOR CAFERRO		✓		
SENATOR GAUTHIER		✓		
SENATOR HOWARD	✓			
SENATOR KARY	✓			
SENATOR KEENAN	✓			
SENATOR LANG		✓		
SENATOR MCNALLY		✓		
SENATOR OLSZEWSKI	✓			
SENATOR OSMUNDSON	✓		✓	
SENATOR PHILLIPS		✓	✓	
SENATOR SESSO		✓		
SENATOR SMITH	✓		✓	
SENATOR WELBORN		✓	✓	
SENATOR WHITFORD		✓		
SENATOR WOLKEN		✓		
CHAIRMAN JONES		✓		

MONTANA STATE SENATE

ROLL CALL VOTE

FINANCE AND CLAIMS COMMITTEE

DATE: April 11, 2017 BILL # HB 473 VOTE 12-8

MOTION: No Consent HB 473 as amended

NAME	AYE	NO	PROXY	EXCUSED
VICE CHAIR MOORE		✓		
SENATOR ANKNEY	✓			
SENATOR CAFERRO	✓			
SENATOR GAUTHIER	✓			
SENATOR HOWARD		✓		
SENATOR KARY		✓		
SENATOR KEENAN		✓		
SENATOR LANG	✓			
SENATOR MCNALLY	✓			
SENATOR OLSZEWSKI		✓		
SENATOR OSMUNDSON		✓	✓	
SENATOR PHILLIPS	✓			
SENATOR SESSO	✓			
SENATOR SMITH		✓	✓	
SENATOR WELBORN	✓			
SENATOR WHITFORD	✓			
SENATOR WOLKEN	✓			
CHAIRMAN JONES	✓			

SENATE FINANCE AND CLAIMS COMMITTEE

Sponsor: Rep. Greg Hertz

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE FINANCE & CLAIMS

Exhibit No. 1
Date 4-11-17
Bill No. HB 618

Amendments to House Bill No. 618
3rd Reading Copy

Requested by Representative Nancy Ballance

For the Senate Finance and Claims Committee

Prepared by Pat Murdo
April 5, 2017 (6:18pm)

1. Page 1, line 17.

Strike: "\$1.20"

Insert: "\$3"

2. Page 1, line 20.

Strike: "\$2.20"

Insert: "\$7"

3. Page 2, line 18.

Strike: "\$1,788,492"

Insert: "\$4,427,982"

4. Page 2, line 19.

Strike: "\$3,278,902"

Insert: "\$10,331,958"

5. Page 2, line 21.

Strike: "\$3,389,539"

Insert: "\$8,391,884"

Strike: "\$6,370,603"

Insert: "\$20,074,039"

- END -

Amendments to House Bill No. 618
3rd Reading Copy

Requested by Senator Mary Caferro

For the Senate Finance and Claims Committee

Prepared by Sue O'Connell
April 11, 2017 (8:42am)

1. Title, page 1, line 5.

Following: "RATES;"**Insert:** "PROVIDING A WAGE INCREASE FOR CERTAIN DIRECT CARE
WORKERS;"

2. Page 2, line 10.

Following: "purpose of"**Insert:** ": (i)"

3. Page 2, line 12

Following: "homes"**Insert:** "; and(ii) in each year of the biennium beginning July 1, 2017,
providing a wage increase of 50 cents per hour to certified
nursing assistants working in nursing facilities, provided in
increments of 25 cents per hour every 6 months."

4. Page 2, line 17.

Following: "(1)"**Insert:** "(a)"

5. Page 2.

Following: line 19**Insert:** "(b) Of the amount appropriated in subsection (1)(a),
\$584,120 must be used in fiscal year 2018 and \$1,365,085 in
fiscal year 2019 for the wage increase for certified nursing
assistants provided for in 15-60-211(1)(c)(ii)."

6. Page 2, line 20.

Following: "(2)"**Insert:** "(a)"

7. Page 2.

Following: line 22**Insert:** "(b) Of the amount appropriated in subsection (2)(a),
\$1,103,112 must be used in fiscal year 2018 and \$2,577,968
in fiscal year 2019 for the wage increase for certified
nursing assistants provided for in 15-60-211(1)(c)(ii)."

- END -